

Exhibit 21

PLAINTIFF HARFORD COUNTY BOARD OF EDUCATION OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT (HARFORD) (SD MSJ NO. 6)

Case No.: 4:22-md-03047-YGR
MDL No. 3047

Member Case No.: 4:23-cv-03065-YGR

In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation

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Exhibit
Jack Smith
9/12/25

Smith 2

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY PRODUCTS
LIABILITY LITIGATION

THIS DOCUMENT RELATES TO:

SCHOOL DISTRICT CASES

MDL No. 3047

Civil Case No. 4:22-md-03047-YGR:

Honorable Yvonne Gonzalez Rogers

**EXPERT REPORT OF JACK SMITH,
PHD**

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HIGHLY CONFIDENTIAL**Section I. Professional Background**

1. I am Dr. Jack R. Smith, former superintendent in multiple school systems, including in Montgomery County Maryland, one of the largest school systems in the United States. Additionally, I served as the Deputy State Superintendent: Chief Academic Officer and Interim State Superintendent in the Maryland State Department of Education (MSDE). I taught at the middle and high school level in Washington State and served as a principal at the elementary, middle, and high school levels in Washington State, Japan, Thailand, and Maryland.
2. I have been an active member in the American Association of School Administrators (AASA) for 20 years, serving on the AASA Governing Board and participating in multiple consortia covering a range of topics. I also collaborated regularly with the Council of Chief State School Officers (CCSSO) during my tenure at the Maryland State Department of Education. From 2006 to 2013 and again from 2016 to 2021, I was a member of the Public School Superintendents' Association of Maryland (PSSAM). From 2013 to 2016, I engaged with PSSAM on a regular basis as the liaison from the Maryland State Department of Education. Since 2021, I have worked as a consultant with educational organizations across the nation on superintendent and executive leadership searches, student achievement and well-being, curriculum and instructional programming, higher education collaboration, and executive coaching.
3. I earned a Bachelor of Arts in Education at Eastern Washington University (EWU) in 1980. In 1985, I was awarded a master's degree from EWU with a specialization in school administration. In 2006, I received the Certificate of Advanced Study in Education (CASE) from Notre Dame of Maryland University (NDMU). Upon completing the required coursework and a dissertation entitled School Administrators' Perceptions of Self-Efficacy as instructional Leaders and School Managers while Administering Mandated Assessments and Analyzing Data, I earned a PhD in Instructional Leadership in 2009.
4. During my career, in addition to completing an empirical study and dissertation, I published articles and reports on topics ranging from the use of electronic grading systems, the experiences of second language learners, K12 arts education, teacher preparation, and teacher induction and retention, among others. My work as a superintendent was highlighted in The Key Work of School Boards Guidebook, by K. Gemberling, C. Smith, and J. Villani, National School Boards Association, Copyright 2009, and The Essential School Board Book: Better Governance in the Age of Accountability, by N. Walser, Harvard Education Press, Copyright 2009.
5. A selection of honors and awards I have received include the following:

2010	Maryland State Department of Education Change Agent Award
2011	Leadership Maryland Class: Graduation Speaker
2013	Maryland Public School Superintendent of the Year
2016	AEMS Award in Arts
2019	College Tracks
2020	National Center for Children and Families: Exceptional Superintendent Award
2021	Montgomery Board of Education Distinguished Service Award

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2022 KID Museum Award

6. I hold a Maryland Educator License that allows me to serve as a teacher, building principal, district level administrator/supervisor and local superintendent of schools or state superintendent through 2028. My educational attainment, licensure, and service for more than forty years in multiple organizations and in a variety of roles has allowed me to develop expertise in the operations and instructional programming in public education.
7. Between 2002 and 2021, I worked with over forty different board members on three different boards, the Calvert County Public Schools Board, the Maryland State Board of Education, and the Montgomery County Public Schools Board. Working as part of the governance structure of a school system and in support of individuals who are elected or appointed to set policy and determine budgets is at the foundation of educational practice. A board of education's actions permeate every aspect of a school system and the schools it governs. To a significant degree, a board determines the experience of students, families, and staff within the schools it controls. For six years as a deputy superintendent and thirteen years as a superintendent, I supported the work of boards to:
 - a) Resolve internal and external conflicts among board members and across constituencies.
 - b) Design new and innovative systems for policy development and alignment.
 - c) Determine budget priorities and respond to increases and decreases in revenue.
 - d) Identify specific evidence of learning and analyze academic data and other measures of progress.
 - e) Create systems and processes in the school system and in collaboration with community agencies to strengthen support for the physical, social, and psychological well-being of the children and adolescents.
 - f) Increase efficiency and effectiveness in budget development, alignment, and monitoring.
 - g) Create clear communication systems about board work and actions taken in all areas of the organization.
8. Additionally, my experience working at the Maryland State Department of Education as the Deputy Superintendent: Chief Academic Officer and Interim State Superintendent allowed me to work closely with all the school systems in Maryland. I also worked closely with the State Board of Education members, Members of the Maryland Senate and House of Delegates, the Governor's Staff and Cabinet Members, and with the twenty-four local superintendents, local school boards and school communities. I served on a range of boards, commissions, and work groups, including The Professional Standards and Teacher Education Board, Maryland Center for School Safety Governing Board, and the Governing Board for the Maryland Longitudinal Data System Center, from 2015 to 2019.
9. As a local superintendent in school systems in Maryland, I led teams to design, implement, and evaluate data driven decision-making systems in all areas of the organization. Data driven decision-making systems were developed to improve budgeting and finance practices, increase graduation rates, improve student reading and math achievement, improve transportation safety and efficiency, and better serve student well-being. For example, the graduation work resulted in higher graduation rates for student populations and reduced disparities between 2016 and 2021. To ensure all student groups experienced positive impact, data were disaggregated by poverty/nonpoverty, race/ethnicity, gender, special education services, and second language learning.

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10. Working in tandem with data driven decision making was an initiative to strengthen financial accountability. Financial accountability was increased as budgets were more consistently aligned with student learning. Teams analyzed data to determine the effectiveness of existing and new curricula and instructional practices and student well-being programs and changed practice. For example, data were used to determine the impact of the courses and scheduling practices that prepared students for Algebra I. This work resulted in all forty middle schools increasing the number of students who were prepared to enroll in Algebra I and successfully completed the course, as evidenced by performance on the Algebra I High School Assessment. This program reduced, and in some cases eliminated, the academic disparities among student populations, helping students make academic progress and reach or exceed learning standards.
11. In the area of student well-being, as superintendent in Montgomery County, I commissioned a full review of the programs available in all 208 schools in the school system in 2018 to determine the availability of programs that supported students' physical, social, and psychological well-being. The data were analyzed and quantified. Finally, the information was aggregated by school level and presented to the Board of Education with discussion about the need to better align the efforts to support student health with system priorities and school budgets. Because of this review, more funding was provided in the budget for the system and the schools to ensure each school offered a balanced range of programs and that the programs supported student physical, social, and psychological well-being. The result was the creation of Be Well 365. This is the information currently on the Montgomery County Public Schools website:

WHAT IS BE WELL 365?

Be Well 365 will ensure that students have the necessary skills to:

- *Become positive members of the school and broader community.*
- *Manage their emotions.*
- *Build academic and social resilience.*
- *Identify and access support for themselves or a friend.*
- *Peacefully resolve conflict.*
- *Make positive decisions.*

WHY IS IT IMPORTANT?

MCPS is committed to the academic success and to the physical, social and psychological well-being of every one of our students. Student learning is our purpose, and we know that students perform better academically when they are healthy in body, mind, and spirit. The two go hand in hand to produce young people who are successful in school and in life.¹

12. Additionally, collaborating with staff from across the school system, we reviewed and identified current, research-based, effective programs and practices in supporting the physical, social, and psychological well-being of students. Our collaboration with the staff, external agencies, and the community increased the range of mental health services both at school sites and in the community. Services ranged from county health department counselors holding sessions with students during the

¹ Montgomery County Public Schools. Be Well 365. Montgomery County Public Schools. <https://www.montgomeryschoolsmd.org/departments/studentservices/wellbeing/index-new/>.

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school day to collaboration with Suicide Prevention Lifeline, BTheOne.org, Safe Schools, Choose Respect, The Trevor Project, and others.²

13. In addition to extensive work in the governance, instructional, and student well-being programs in schools, I have worked in the operations of both school systems and the State Department of Education. Operations departments in school systems include human resources, budget, finance and inventory services, safety and security, transportation, nutrition and food services, maintenance and building services, and construction. Technology typically covers both the operational and instructional departments in school systems. I have engaged with each of these areas of operations extensively at each of the organizations where I have been in a leadership position.
14. In human resources, for example, I worked to attract and recruit more teachers in hard to fill subject areas and staff in hard-to-fill occupations. While the human resources department is responsible for recruiting and onboarding staff, talent development involves encouraging and helping support staff, teachers, and administrators to continue to grow in their respective roles and to develop and use current, effective practices. I have been involved in the design and implementation of effective professional learning throughout my career. This has been an area of focus for me because, while it is important to help staff members grow in the positions they hold, it is equally important to support employees who want to seek new positions and promotions.
15. As a superintendent, I also engaged in a variety of negotiations, which can have a significant impact on student experience, student care, instructional programming, and operations. These negotiations were critical to achieving our priorities. For example, negotiations with multiple unions and associations, both in formal contract bargaining and in grievance and appeals processes, influence how schools are run and the policy and budgetary decisions that are made. Another area of importance is negotiating with local and state politicians around new legislation or changes to existing laws. Changes to funding levels, or funding decisions by elected officials conflict with priorities in the school system and community, can have important effects on the resources available for schools and, in turn, students. When negotiating with these various stakeholders in my capacity as a school administrator, I developed a deep understanding of how decisions by individuals and groups not directly involved in the day-to-day operations of schools or districts could nonetheless have an important effect on student experience.
16. Based on my extensive interactions with school systems since the inception of social media, I have seen no evidence that school systems have incurred significant costs in addressing social media in schools, mitigating any impacts of social media on schools, or otherwise made decisions they would not otherwise have made due to social media.
17. In this report, I provide a description of the governance structure of school systems and the role of the board members and superintendents. Board members and superintendents set the priorities, direction, and the work of the school system through policies and procedures and the development of budgets. Both budget and policy processes require elevated levels of collaboration and communication with parents, staff, and community members. An explanation is included as to how school systems identify topics, issues, and opportunities that require work in policy or budget. The Report goes on to discuss a variety of student health issues that school systems grapple with and solutions that have been considered and/or implemented. The Report next discusses my understanding of the literature as to how social media affects students' mental health and the evidence, or lack thereof, of social media as a driver of costs to school systems. Next, an analysis of how social media and other factors are affecting the policies, operations, and budgets in Harford County Public Schools, based on a review of documents

² Montgomery County Public Schools. Be Well 365. Montgomery County Public Schools. <https://www.montgomeryschoolsmd.org/departments/studentservices/wellbeing/index-new/>.

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produced by that district, is provided. Finally, the Report provides a rebuttal of the opinions expressed in the reports of Plaintiffs' experts Brian Osborne and Sharon Hoover.

18. School administration is complex, and many school systems have taken a role in addressing a multitude of factors relating to student mental health. However, I have not seen evidence that social media is a factor that schools (including Harford County Public Schools) are grappling with when developing their policies or budgets.

Section II. Engagement

19. Counsel for Defendants engaged me in this litigation to provide expert opinions relating to school administration and to respond to the claims of the Plaintiff school districts. In particular, I was asked to offer opinions on (A) the administration (including operations and organization) of typical public school districts in the United States; (B) the general processes school districts follow when identifying and responding to challenges and areas of concern, including the process for creating budgets; and (C) social media's role in the public school districts of the United States. I also consider in this report various challenges currently affecting school systems in the United States—including Harford County Public Schools. Additionally, I was asked to review the documents produced by Harford County Public Schools to assess whether those documents supported claims by that school system that social media was causing harm to students in those Schools and causing the County to incur additional costs.
20. Additionally, I reviewed the following reports of Plaintiffs' experts to consider their claims regarding school administration and about Harford County in particular:
 - Report of Plaintiffs' Expert Brian Osborne (May 16, 2025)
 - Report of Plaintiffs' Expert Sharon Hoover (May 16, 2025)
 - Report of Plaintiffs' Expert Sharon Hoover (May 18, 2025), for Board of Education Harford County
21. My opinions contained in this report are based upon my review of these materials, my professional experience and training, and my education, all of which inform my understanding of school administration, school budgeting, and school district record-keeping. My opinions are based upon the information and data presently available to me. I reserve the right to amend or supplement these opinions if new or different information becomes available.
22. I am being compensated at the rate of \$500 per hour in this matter for general consulting and \$700 per hour for any deposition or trial testimony. My compensation is not contingent on the content of my expert opinions.

Section III. Summary of Opinions

23. School administration is complex, and school systems are called on to address a multitude of factors affecting student mental health. However, I have not seen evidence that social media is a factor that schools (including the bellwether districts) are grappling with when developing their policies or budgets.
24. In this report, I offer the following expert opinions, which are based on my experience and education in school administration and on my review of the materials considered in this report as identified in my Materials Considered List (Appendix B), to a reasonable degree of certainty in the field of education and school administration.

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25. **Opinion 1:** School systems maintain defined processes for receiving and implementing community feedback, for adopting policies, procedures, and budgets, and for complying with reporting requirements. In sum, schools are generally obligated to be transparent as to the challenges they are facing and the ways that they are working to address these challenges: for example, though allocating additional budgeting resources and identifying the purpose of these allocations.
26. **Opinion 2:** While it is my understanding that the evidence regarding the relationship between social media and the mental health of students in schools is unclear and inconclusive, it is clear that social media can be beneficial to school systems, educators, students, and parents. Indeed, many school systems regularly leverage social media as a way to connect with students and the broader community and in some cases to facilitate learning.
27. **Opinion 3:** My analysis of the documents produced by Harford County Public Schools reveals that the County has faced numerous challenges over the past decade that have required additional resources and expenditures, including COVID-19, student poverty, violence and crime, inflation, changes in staffing requirements, and state legislative mandates. These challenges have required school systems like Harford County Public Schools to devote unprecedented resources to supporting their students and communities. In contrast, the school system's records reveal minimal discussion of social media and do not support the County's claim that social media has been a significant problem requiring significant expenditures.
28. **Opinion 4:** Based on my review of the Plaintiffs' experts' reports listed above, I conclude that Plaintiff's experts fail to provide evidence that social media is causing school systems to expend significant resources in order to address the effects of social media on students.
29. **Opinion 5:** Moreover, I find that Dr. Hoover's specific opinions relating to Harford County Public Schools fail to demonstrate how social media has caused Harford County to incur additional expenses, and I explain why her proposed 15-year plan for Harford County is unnecessary and inappropriate.

Section IV. School Systems: Governance, Roles, Policies, Budgets, Public Engagement and Progress Monitoring

30. To understand the variety of terms, titles, structures, and systems found in public schools, this Report will begin by defining and describing public education and school administration and their many variations at the state and local level and by providing a methodology for analyzing school systems across the country.
31. While the state-level organization for the schools provides some consistency within individual states, the variability of school systems across states is significant. For example, Hawaii has a single school system, divided into 15 complex areas³, Maryland has 23 county school systems and a city-specific system in Baltimore, and California has 937 individual school districts.⁴
32. Because school systems are public entities and are operated using local, state, and federal tax dollars, the work is almost entirely done in the open. Lay persons serve as local and state school board members and are elected or appointed to determine policy, settle disputes, and function as stewards of the funding. This work is done in public with parents, elected officials, and advocates scrutinizing and

³ Hawai'i State Department of Education Staff. (2023). Organization – Meet Hideo's Leadership Team. Hawai'i State Department of Education. <https://hawaiipublicschools.org/about/organization/>.

⁴ California Department of Education Staff. (2024, July 23). List of School Districts. California Department of Education. <https://www.cde.ca.gov/re/lr/do/schooldistrictlist.asp>.

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weighing in on decisions before, during and after they are made.⁵ And while school boards settle disputes when the superintendent's or other school officials' decisions regarding students, employees, or operations are challenged, the decisions of school boards are often challenged in courts, up to and including the United States Supreme Court.⁶ Decisions about the operation of the system are made in public and decisions about challenges to decisions are made in public. The public nature of the work creates a paper trail that can be reviewed in the moment or as part of the historical record of the school system. The below section describes typical processes that are fairly generalizable across districts and demonstrates the systematic processes followed by public school districts across the country.

A. School System Structure at the State-Level and Accompanying Variation

1. Independent and Dependent School Systems

33. The United States currently has over 13,500 school systems⁷, ranging in size from a handful of students to hundreds of thousands or more. These systems have a variety of governance structures, relationships with local and state governments, and funding mechanisms. Because education was left to the states by the U.S. Constitution and because it grew locally and organically across the country, school systems at the foundational level are defined by their legal relationship to local governments as either "independent" or "dependent" entities.
34. School systems defined as "independent" are labeled "school districts" and are not counted as part of another government agency, meaning they do not fall under the authority of a town, city or county. Those defined as "dependent" public school systems are "classified as agencies of other governments—state, county, municipal, or town or township—and are not counted as separate governments." *Education Demographic and Geographic Estimates (EDGE) Program 2017 Census of Governments, State Descriptions: School District Governments and Public School Systems*. June 2019). https://nces.ed.gov/programs/edge/docs/School_District_Descriptions_Census_2017.pdf. Depending on state or local law, a charter school is either a part of a school system or district or an independent, stand-alone school. Because of the wide variety of names and labels applied to public educational organizations in the country, this Report will use the term *school system*.
35. Over time, the term "school system" has been generalized so it can be used to refer to all public school organizations in the country, while "district" is typically only used to refer to those that are independent of other government entities. In Maryland, all 24 school systems are dependent because they are part of the county government or, in the case of Baltimore City Public Schools, part of the city government. The organizational chart of Harford County Public Schools shown below illustrates the structure of a dependent school system. While the school system is governed by the Board of Education and board

⁵ Mahnken, K. (2021, November). *Attempted Recalls Against School Board Members Skyrocket*. The74million.org. <https://www.the74million.org/article/skyrocketing-school-board-recalls-offer-window-into-year-of-bitter-education-politics/>.

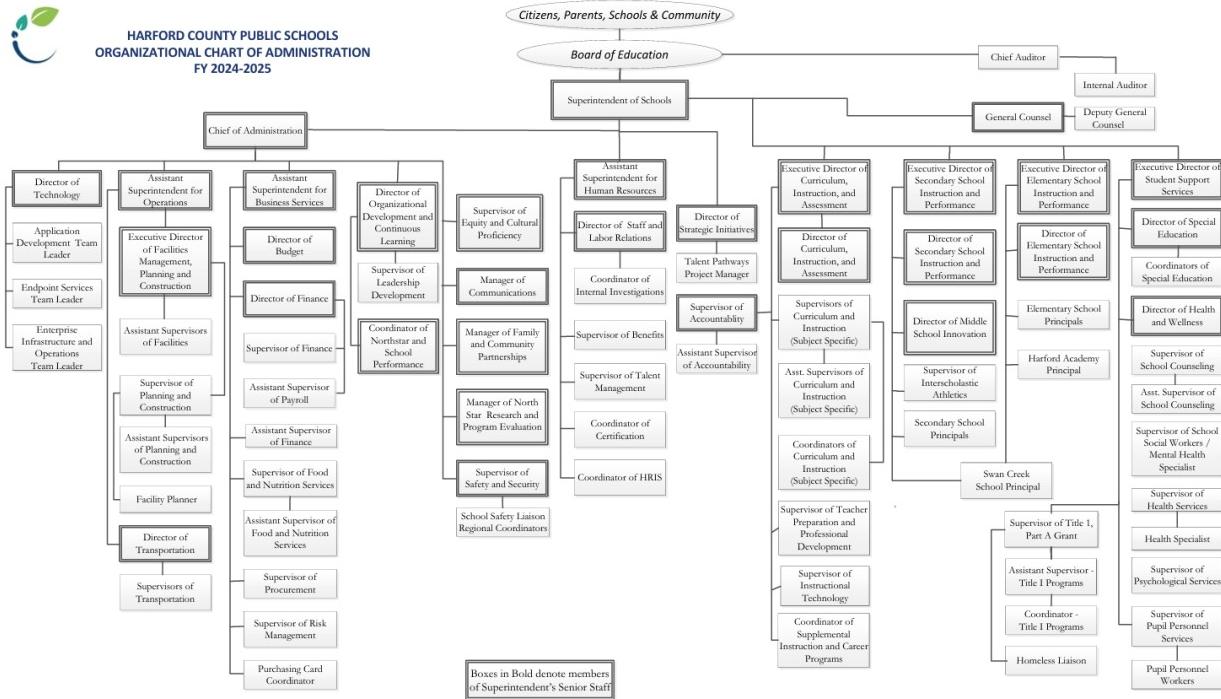
⁶ SUPREME COURT OF THE UNITED STATES. (2024). https://www.supremecourt.gov/opinions/24pdf/24-297_4f14.pdf.

⁷ Bureau, U. C. (July 27, 2023). *2022 Census of Governments – Organization*. Census.gov. <https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html>.

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members are responsible for the County School System, the school system is dependent on the county government for a significant share of its operating and construction funding.⁸

Figure 1: Harford County Public Schools Organizational Chart⁹



36. The Harford County Public School System is governed by the County Board of Education (Code Education Article, secs. 4-101 through 4-126). In addition, through the review and approval of the annual operating and capital budgets, Harford County government exercises authority over the County Public Schools. Moreover, through the establishment and monitoring of various financial and academic policies and regulations, the State Department of Education also has considerable oversight of county public schools. Indeed, under Maryland law, the State Department of Education works with county public schools to comply with requirements and mandates of federal law.¹⁰
37. Educational matters that affect Harford County come under the control of the Board of Education (Code Education Article, secs. 4-101 through 4-126). Formerly, the Board consisted of nine members,

⁸ Harford County Public Schools Staff. (2025). Organizational Chart of Administration FY2025. Harford County Public Schools. <https://hcps.org/aboutus/docs/organizationalcharts/OrganizationalChartofAdministrationFY2025.pdf>

⁹ Harford County Public Schools Staff. (2025). Organizational Chart of Administration FY2025. Harford County Public Schools. <https://hcps.org/aboutus/docs/organizationalcharts/OrganizationalChartofAdministrationFY2025.pdf>

¹⁰ Maryland Manual Online Staff. (2022). Harford County, Maryland - Government, Executive Branch, Education. Maryland Manual Online. <https://msa.maryland.gov/msa/mdmanual/36loc/ha/html/functions/haeducation.html>

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- seven of whom were appointed by the Governor, along with one who served ex officio, and a student member. The Board transitioned to a partially elected board with the November 2010 election.¹¹
38. As of July 2022, the Board has eleven members. Six (one from each councilmanic district) are elected by the voters to four-year terms (Code Election Law Article, secs. 8-801 through 8-806). Three are appointed by the County Executive with County Council consent to two-year terms. The Superintendent of Schools serves ex officio. Chosen by the Harford County Regional Association of Student Councils, a student member serves a one-year term (Chapters 745 & 746, Acts of 2009; Code Education Article, secs. 3-6A-01 through 3-6A-05). In 2012, the student member was allowed certain voting rights (Chapter 91, Acts of 2012). Prior to July 2022, the three appointments made by the County Executive, were made by the Governor (Chapter 569, Acts of 2022).¹²
39. The purpose of school systems of all types is to provide an organizing structure for the schools they serve and support, whether students in one building in rural Nebraska¹³ or in the more than 1500 school buildings in New York City Public Schools.¹⁴ The general purpose of *school* is, of course, learning. And when public schools were first established, they were meant to provide a free public education for children. Gradually, that came to include kindergarten through grade 12, typically serving students from ages 5 through 18, culminating in high school graduation.¹⁵ Today, sports, arts, and other activities are part of school, creating an extra-curricular program that goes beyond the school day.¹⁶ And during the last several decades, the purpose of school and the role of the professional educator have expanded even more. While teaching and learning are still at the core of a school's purpose, other issues—ranging from nutrition to mental health are now areas of focus for schools.

2. State-Level Governance

40. To complicate matters, more than fifty different state-level agencies exist across the land including Washington DC and territories such as the US Virgin Islands and Puerto Rico.¹⁷ Because of the variety of titles for state departments of education, they are generally referred to as state education agencies (SEAs). In each state, the various agencies and officials hold different views, use different funding and accounting systems, and enact and implement different state laws. These differences add additional layers of complexity and create a degree of variation among school systems. The organizations are typically headed by a state superintendent, who works with a state board of education. The members of

¹¹ Maryland Manual Online Staff. (2022). Harford County, Maryland - Government, Executive Branch, Education. Maryland Manual Online. <https://msa.maryland.gov/msa/mdmanual/36loc/ha/html/functions/haeducation.html>.

¹² Maryland Manual Online Staff. (2022). Harford County, Maryland - Government, Executive Branch, Education. Maryland Manual Online. <https://msa.maryland.gov/msa/mdmanual/36loc/ha/html/functions/haeducation.html>.

¹³ Alamdari, N. (2024, January 4). Lone frosh: At one Nebraska high school, the freshman class is just Bailley. Flatwater Free Press. <https://flatwaterfreepress.org/lone-frosh-at-one-nebraska-high-school-the-freshman-class-is-just-bailley/>.

¹⁴ New York City Department of Education. (2023). DOE Data at a Glance. NYC Department of Education. <https://www.schools.nyc.gov/about-us/reports/doe-data-at-a-glance>.

¹⁵ Gershon, L. (2016, September). Where American Public Schools Came From. JSTOR Daily. <https://daily.jstor.org/where-american-public-schools-came-from/>.

¹⁶ Learn Staff. (2025). What are public schools? Learn. https://learn.org/articles/What_are_Public_Schools.html.

¹⁷ U.S. Department of Education. (2024). State Contacts. U.S. Department of Education. <https://www.ed.gov/contact-us/state-contacts>.

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the state board, however, may or may not hire and supervise the state education leader, because state education leaders come into the role through a variety of pathways.¹⁸

41. For instance, the state superintendent is hired by the state board in Maryland,¹⁹ while voters elect a superintendent of public instruction in the State of Washington.²⁰ In Connecticut, a state commissioner of education is appointed by the governor,²¹ while Massachusetts has a secretary of education, who is appointed by the governor and serves in the cabinet.²² In all cases, however, the individuals holding these leadership positions are responsible for overseeing public education at the state level.^{23, 24}
42. More specific responsibilities of a state education leader include the distribution of federal funds through block and competitive grants in areas such as special education, career education, technology, and a host of special projects and initiatives.²⁵ State leaders direct the distribution of funding, including both general operating funds and grants that can affect every aspect of the school system.²⁶ State leaders are also often tasked with directing state audits focused on financial accountability and school system compliance with state board regulations and state laws governing curriculum standards, course offerings, and educator evaluations, among other areas.²⁷

B. Local Governance of School Systems and Accompanying Variation

43. While education departments and agencies serve as a buffer between school districts and elected officials at the state level, no such separation exists at the local level. As the Education Demographic and Geographic Estimates (EDGE) Program 2017 Census of Governments, State Descriptions: School District Governments and Public School Systems Report indicates, most school systems (“school district governments”) are not part of the local government where they exist. The 2022 Census of Governments – Organizations reports the following:

¹⁸ GovFacts. (2025, April 8). Understanding Federal, State, and Local Roles in Education. GovFacts. <https://govfacts.org/federal/ed/understanding-federal-state-and-local-roles-in-education/>.

¹⁹ Office of Governor Wes Moore. (2025). Department of Education. Government of Maryland. <https://governor.maryland.gov/leadership/cabinet/Pages/department-of-education.aspx>.

²⁰ Washington Office of Superintendent of Public Instruction. Superintendent Chris Reykdal. Washington Office of Superintendent of Public Instruction. <https://ospi.k12.wa.us/about-ospi/superintendent-chris-reykdal>.

²¹ Connecticut Department of Education. (2021). Connecticut Department of Education. Ballotpedia. https://ballotpedia.org/Connecticut_Department_of_Education.

²² Executive Office of Education. Meet our Secretary of Education for Governor Maura Healey. Mass.gov. <https://www.mass.gov/info-details/secretary-of-education>.

²³ American Civil Liberties Union. (2025). School Governance 101. American Civil Liberties Union. <https://www.aclu.org/rtl-resources/school-governance-101>.

²⁴ Another commonly used term for these positions is “chief state officer.”

²⁵ ECS. 50-State Comparison: K-12 Governance. (2020). Education Commission of the States. <https://www.ecs.org/50-state-comparison-k-12-governance/>.

²⁶ American Civil Liberties Union. (2025). School Governance 101. American Civil Liberties Union. <https://www.aclu.org/rtl-resources/school-governance-101>.

²⁷ ECS. 50-State Comparison: K-12 Governance. (2020). Education Commission of the States. <https://www.ecs.org/50-state-comparison-k-12-governance/>.

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- 12,546 school district governments
- 571 county-dependent school systems
- 227 municipal-dependent school systems
- 36 state-dependent school systems
- 479 township-dependent school systems²⁸

44. Each of the systems also has a local governance structure.²⁹ This is typically referred to as a “school board,” “board of education,” or “school committee.” The members of these boards typically have the legislative authority to establish policy, the fiduciary authority to manage the school system’s revenues and expenditures, and the quasi-judicial authority to rule on appeals from employees and the public and other appeals related to the operations of the school system.³⁰ “School boards may have more or less authority depending on the state but always play a critical role in overseeing the day-to-day operations of schools, and have a large impact on the district’s curriculum, teaching staff, and policies.”³¹
45. Board members, in collaboration with district-level staff such as the superintendent, govern the school system.³² The superintendent holds the authority to administer the decisions made by the board and direct the work of the system’s administrative staff to implement, manage, and evaluate the outcomes of board-initiated and -approved projects.³³ Board members are elected or appointed depending on local or state law and serve set terms of office. Their terms, work, actions, and authority are outlined by state boards of education and/or state legislatures.³⁴
46. One of the critical roles of most boards of education is hiring a superintendent.³⁵ The board must take on the complex task of identifying and hiring a person to advise them and provide direction. In essence, the superintendent often tells the boss—i.e., the board—what to do. The superintendent and board work

²⁸ Census Bureau (2023). 2022 Census of Governments – Organization. Bureau of Census. <https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html>.

²⁹ American Civil Liberties Union. (2025). School Governance 101. American Civil Liberties Union. <https://www.aclu.org/rtl-resources/school-governance-101>.

³⁰ Iowa Association of School Boards Staff. (2023). Eight Key Roles and Responsibilities of School Boards and Superintendents. Iowa Association of School Boards. https://www.ia-sb.org/docs/default-source/toolbox/board-development/eightkeyrolesandresponsibilities.pdf?sfvrsn=d3da05c0_13.

³¹ American Civil Liberties Union. (2025). School Governance 101. American Civil Liberties Union. <https://www.aclu.org/rtl-resources/school-governance-101>.

³² American Civil Liberties Union. (2025). School Governance 101. American Civil Liberties Union. <https://www.aclu.org/rtl-resources/school-governance-101>.

³³ U-Online News Staff. (2024). What Does a School District Superintendent Do? U-Online News. <https://news.miami.edu/uonline/stories/2024/11/what-does-a-school-district-superintendent-do.html>.

³⁴ Center for Public Education. (n.d.). CPE Report: Ten Thousand Democracies, One Common Goal. Center for Public Education. <https://files.eric.ed.gov/fulltext/ED631765.pdf>.

³⁵ Peetz, C. (2023). Should School Boards Go Local or Look Afar for the Next Superintendent? That Depends. Education Week. <https://www.edweek.org/leadership/should-school-boards-go-local-or-look-afar-for-the-next-superintendent-that-depends/2023/11>.

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together closely but have distinct roles. “The superintendent serves as the board’s chief adviser on educational matters and as the district’s educational leader. He or she is responsible for ensuring the board is informed about district operations and activities, and about the district’s needs. The superintendent should ensure sufficient information is provided to the board so it is able to make informed decisions and evaluate the results of those decisions.”³⁶

47. Other than the small number of locally elected superintendents in the country,³⁷ most superintendents are hired and must meet qualifications for certification established in state law and other requirements found in board policy.³⁸ It is not unusual for state law to require an advanced degree with a prescribed set of coursework, classroom teaching experience, and a required number of years of professional service. Local boards may, for example, require the successful candidate to live in the school system and hold a doctorate in educational administration or a related field. With few exceptions, the superintendent is the school board’s only employee with all other staff working for the superintendent under the board’s oversight.³⁹ The other staff in the system who collaborate closely with the superintendent, and who interact with the school board, are the system and school administrators.
48. Depending on the size of the system, a superintendent may have one or more deputies or chiefs. Larger districts may have a deputy and multiple associate or assistant superintendents, who direct the work of departments. Titles such as the Assistant Superintendent for Special Education Services or Associate Superintendent of Operations are typical. Assistant superintendents often have one or more directors or supervisors who help direct and manage the work of coordinators, supervisors, and teacher specialists.⁴⁰
49. At the school level, the principal is in many ways like the “superintendent” for that school. Principals work with associate and assistant principals and deans, and with teacher leaders who serve as department chairs and teacher specialists.⁴¹ Principals also supervise and coordinate work with cafeteria managers, building service supervisors, school nurses, and others who work in operations rather than instructional programs.⁴² Individuals in all these positions may find themselves presenting to the school board on assorted topics and issues, serving on system-wide committees that review curriculum materials, determine educational specifications for school construction, propose school calendars, and

³⁶ AASB. (2022). Board and Superintendent Roles & Responsibilities. Association of Alaska School Boards Handbook 2022. <https://aasb.org/clear-board-and-superintendent-roles/>.

³⁷ Superintendent of Schools (state executive office). (n.d.). Ballotpedia. [https://ballotpedia.org/Superintendent_of_Schools_\(state_executive_office\)](https://ballotpedia.org/Superintendent_of_Schools_(state_executive_office)).

³⁸ American University School of Education Staff. (2019). How to Become a Superintendent. American University School of Education. <https://soeonline.american.edu/blog/how-to-become-a-superintendent/>.

³⁹ Missouri School Boards’ Association Staff. (2025). School Board Basics. Missouri School Boards’ Association. <https://www.mosba.org/page/school-board-basics>.

⁴⁰ Superintendent of Schools (state executive office). (n.d.). Ballotpedia. [https://ballotpedia.org/Superintendent_of_Schools_\(state_executive_office\)](https://ballotpedia.org/Superintendent_of_Schools_(state_executive_office)).

⁴¹ The University of Kansas: School of Education & Human Sciences. (2024). Roles and Responsibilities of Educational Administrators. The University of Kansas: School of Education & Human Sciences. <https://educationonline.ku.edu/community/roles-and-responsibilities-of-educational-administrators>.

⁴² Lunenburg, F. (2010). Power and Leadership: An Influence Process. National Forum. <https://www.nationalforum.com/Electronic%20Journal%20Volumes/Lunenburg>.

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- draw boundaries for school attendance areas.⁴³ Such committees grapple with the issues and opportunities before them and ultimately make recommendations to the superintendent and school board.
50. A foundational role of the school board, with superintendent support, is the development and maintenance of policies.⁴⁴ Board policies are functionally equivalent to law within the school district and are often at the center of appeals and the resolution of disputes.⁴⁵ New policies are written and adopted on an ongoing basis and existing policies must be maintained and reviewed for relevance, accuracy, and alignment with local, state, and federal law.⁴⁶ Some school systems create review cycles, so every policy is reviewed on a regular cycle (for example, once every three-to-five years), while other systems review policies when internal or external forces bring the policy to the forefront.⁴⁷
 51. Superintendents collaborating with administrators, teacher leaders, and operational supervisors play a significant role in the policy work of a school board. In addition to staff, other groups engaged in policy discussion include parents, community leaders, and advocacy groups. All these groups may advise the board on trends in public education and often present qualitative and quantitative research during policy discussions. Most school systems have PTA (Parent-Teacher Association) Councils or Citizen Advisory Committees that will be asked to provide insights and advice to the superintendent and board, or, in some instances, these groups will proactively bring issues forward. Boards and superintendents may convene focus groups and ad hoc committees to administer surveys or distribute plans for public comment.
 52. Additionally, as part of policy work, school system staff may undertake research projects, hire or partner with outside research organizations, or collaborate with higher education institutions to get the data, evidence, and information needed to respond to research questions and requests. Superintendents and staff serve as experts on issues of policy implementation and the effects of new policy and implementation. Consideration must be given to the effects of a change on students, staff, families, and communities, as well as budgets, operations, school buildings, and classrooms.
 53. Any examination of the United States Public Education System reveals school systems of different enrollments, student characteristics, resource allocations, and achievement levels. School systems are situated both in densely populated urban areas and in remote, rural areas. And all of these systems are located in vastly different U.S. states, some of which have state departments of education that are highly

⁴³ The University of Kansas: School of Education & Human Sciences. (2024). Roles and Responsibilities of Educational Administrators. The University of Kansas: School of Education & Human Sciences. <https://educationonline.ku.edu/community/roles-and-responsibilities-of-educational-administrators>.

⁴⁴ Sanik, C. (2015). New board members and the policy process. New York State School Boards Association. <https://www.nyssba.org/news/2015/07/16/on-board-online-july-20-2015/new-board-members-and-the-policy-process/>.

⁴⁵ The New York State Association of School Attorneys. (2016). When disputes arise in school districts, who decides? New York State School Boards Association. <https://www.nyssba.org/news/2016/02/15/on-board-online-february-15-2016/when-disputes-arise-in-school-districts-who-decides/>.

⁴⁶ Wisconsin Association of School Boards. (2024) Policy Development Materials. Wisconsin Association of School Boards. <https://wasb.org/policy/policy-development-materials/>.

⁴⁷ Sanik, C. (2015). New board members and the policy process. New York State School Boards Association. <https://www.nyssba.org/news/2015/07/16/on-board-online-july-20-2015/new-board-members-and-the-policy-process/>.

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engaged and exert substantial control over schools, while other states provide little or no centralized direction.⁴⁸ Given the unique characteristics of these more than 13,000 school systems, a method is needed to evaluate any one system's decisions and actions in response to an issue. The method should allow us to make comparisons to other school systems and draw conclusions about those decisions and actions in the context of how school systems generally operate.

C. The Structure of School Systems and How They Set Priorities

54. Despite variations at both the state and local level, the public nature of all school systems and the work they conduct with students, staff, communities and operations permits analysis of the actions of individual school systems over time, along with comparisons between different school systems. While school systems are diverse in size and location, they have the same mission, student learning, and they work to fulfil that mission through the operation of schools. This provides a basis for the sort of generalizable analysis needed for this Report, which asks for my determination of the effects of social media, based on the evidence provided, on a particular school system.
55. The purpose of this section is to explain the different ways school systems identify and develop plans for addressing issues that arise and that may have an impact on student learning, safety, health, or well-being. School systems—like Harford County Public Schools—make much of this information available to the public (and receive input from the public on these issues). Moreover, they address much of these issues in places such as their budgets, policies, and procedures. Indeed, when a school is facing an issue of concern, it would be typical for this issue to appear in the budget (with line items relating to how the school system will address the issue), and there may be policies or procedures explaining how the school will address the issue and internal and external documents and communications describing the issue and the actions taken in response to the issue. These considerations are relevant to this Report because, given Plaintiff's claims regarding the impacts of social media, one would expect to see the topic of social media addressed in Plaintiff's documents and materials (such as their budgets and policies).

1. Public Input and Community Participation Is a Feature of All U.S. School Systems

56. For the purposes of my analysis in this report, it is important to remember that school systems involve significant and systematized public input. This includes defined processes for receiving input and for placing developments in the public record. A key takeaway is that the public nature of this system provides a way for the public to inform schools of any areas of concern. In other words, if the school community has a concern about a specific topic—such as social media—it would be likely to appear in the school system's records via the public input in focus group meetings or hearings. Surveys may also be administered and an opportunity for public comment on new or amended policies would be provided, both orally in board meetings and in writing.
57. Across all U.S. school systems, members of the public—parents, community members, students, and staff—are often deeply involved in their children's school experience, and they regularly engage with the school boards and superintendents in public. Board meetings, budget hearings, parent meetings, curriculum presentations, and other discussions all occur in public, and permit stakeholders to engage

⁴⁸ NASBE. (2025). A Look at State Education Governance. NASBE - National Association of State Boards of Education. <https://www.nasbe.org/state-education-governance/>.

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with and respond to the school system governance and leadership. Consider the following examples of commonalities found in school systems across the nation:⁴⁹

- Local governance by appointed or elected citizens is universal and statutory in the many and varied school systems of each state, except in Washington, D.C. and Hawaii, both of which have only a single school system but still have systems of local governance.⁵⁰
- Community participation in the development and funding of operating budgets and construction projects is found across all states.⁵¹
- Parent and community engagement in policy adoption, curriculum selection, student well-being, and operations is foundational and requires multiple, consistent communication processes,⁵² including gathering and inviting feedback and participation in decision making at the local and state level.⁵³
- Community meetings and hearings when attendance boundaries are changed within a school system.⁵⁴
- Changes in graduation requirements or required assessments.⁵⁵

2. Adoption of Policies and Procedures in School Systems

58. School boards may operate both proactively and reactively when making decisions and creating and adopting policies. Often, even before a discussion at the board level, an opportunity or challenge may become apparent in a school system. School systems hold hearings and accept public comments on a regular basis. For example, budget hearings, school construction hearings, and hearings focused on

⁴⁹ Consistent practice is found in school systems across the country, even though governance is local, and school districts are directed to differing degrees through state education agencies (ECS.org, 2025).

⁵⁰ ECS. 50-State Comparison: K-12 Governance. (2020). Education Commission of the States. <https://www.ecs.org/50-state-comparison-k-12-governance>.

⁵¹ The School Superintendents Association. (2025). Panel Discussion: Addressing student and staff mental health in your district. The School Superintendents Association. <https://www.aasa.org/resources/resource/panel-discussion-addressing-student-and-staff-mental-health>.

⁵² WASA. (n.d.). Positive Community Engagement in Public Meetings. WASA. <https://wasa-only.org/WASA/images/WASA/6.0%20Resources/Equity/Positive%20Community%20Engagement%20in%20Public%20Meetings.pdf>.

⁵³ National Center for Healthy Safe Children. (2023). Creating Conditions for Meaningful Family Engagement From Prekindergarten to High School. American Institute for Research. <https://www.air.org/sites/default/files/2024-02/Creating-Family-Engagement-508-December-2023.pdf>.

⁵⁴ Hanover Research. (2015). Best Practices in District Rezoning. Hanover Research, https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/207/Best_Practices_in_District_Rezoning_-_Portland_Public_Schools.pdf.

⁵⁵ Terrell, J. & Barzee, S. (2023). Graduation Requirements and Measures - A Review of Performance Assessment Implementation in Select States. New York State Education Department. <https://www.nysesd.gov/sites/default/files/programs/grad-measures/grad-requirements-and-measures-performance-assessment.pdf>.

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changes in attendance areas are regular events on the school board and superintendent calendars. The superintendent may bring an issue to the board, or the board may highlight a topic for the superintendent. An issue may also arise in the community or in a neighboring school system. An issue that ultimately changes budgets and generates changes in policy and practice might also be introduced by a member of the community during public comment at a school board or community meeting. Or an issue may be part of a growing trend or concern in school systems across the state, the nation, or in society in general.⁵⁶

59. There is a myriad of possible new policy topics and reasons to amend existing policies, and they will continue to emerge as society changes. Policies are the foundation of a school board, and they guide the work of the superintendent and staff of a school system. A topic that has driven new policy in school systems over the past few decades, albeit slowly, is the requirement for school uniforms.⁵⁷ Another area of policy development at both the State and local level recently has been the requirement to adopt and use reading curricula based on the instructional practices and the research commonly called the “science of reading.”⁵⁸
60. When a topic is introduced, it may then be placed on a board meeting agenda and discussed in an open board meeting. Initial board discussions may identify areas to be included in an ongoing study of the topic. Board members will often ask for relevant research, budget, or staffing implications, or existing state and federal laws related to the topic. The superintendent and administration will be tasked with reviewing existing policies, procedures, and practices in the school system related to the topic. All the issues, including information requests and research questions from board members during the initial discussion, will be in the presentations and discussion at future board meetings. Having participated in literally hundreds of board meetings with both State and local boards, this is my experience with the process typically used for adopting new policies and amending existing policies.
61. After the presentation of information and responses to questions have been provided to the board, the members may decide that no further action is required or that they are going to request that state lawmakers address the issue in an upcoming legislative session. The board may send the issue to the state department of education asking that model policies or guidance be sent to all school systems in the state. Or the board may request consideration from the state board of education for new state regulations.
62. As board members consider what steps to take when they grapple with a challenge or an opportunity, they will collaborate with the superintendent and the administrative staff. Sending an issue to the state board or state superintendent will usually be done through a letter or a presentation to state officials. Referring the topic to local or state elected officials may result in a series of meetings and/or a white paper. Or the solution may be as straightforward as collaborating with the superintendent and staff on a change to the procedure that flows from an existing policy. Procedures, also referred to as regulations, are typically generated by the superintendent and staff after a policy is adopted, and their authority to adopt such procedures flows from the policy. Procedures must align with the policy and serve as the

⁵⁶ Maryland State Education Association, School Board Elections 2024: What’s at Stake (December 7, 2023), <https://marylandeducators.org/school-board-elections-2024-whats-at-stake/>.

⁵⁷ California Learning Resource Network. (2025). Should school uniforms be mandatory? California Learning Resource Network. <https://www.cln.org/should-school-uniforms-be-mandatory/>.

⁵⁸ The Reading League. (2025). Policymakers and State Education Agencies. The Reading League. <https://www.thereadingleague.org/compass/policymakers-and-state-education-agencies/>.

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implementation tool for policy. On occasion, boards adopt policies and drive the creation of procedures to ensure the intent of the policy is clear and well-aligned with the newly created procedures.

63. The Policy Committee Charter from Harford County Public Schools explains its function and how it would go about preparing new policies.⁵⁹

Figure 2: Harford County Public Schools Policy Committee Charter⁶⁰

POLICY COMMITTEE CHARTER	
Purpose of the Committee	<ul style="list-style-type: none"> • To develop, review and revise Board of Education policies.
Expected Outcomes/Products	<ul style="list-style-type: none"> • Timely drafting and submission of proposed new policies and proposed revised policies that will facilitate the efficient and lawful operation of Harford County Public Schools (HCPS).
Scope of Responsibility	<ul style="list-style-type: none"> • Ensure that the Board Policy Manual is regularly reviewed and revised. • Ensure that Board policies are consistent with law, the educational mission of HCPS, and best practices in education.
Communications process	<ul style="list-style-type: none"> • The committee will submit proposed new policies or revised policies or other policy recommendation to the Superintendent and the Board. • The committee will establish protocols for committee meetings and activities.
Schedule of meetings	<ul style="list-style-type: none"> • Regularly
Expectation of members	<ul style="list-style-type: none"> • Attend all meetings • Participate as an active member of the committee • Accept and perform assignments
Links with other groups/people	<ul style="list-style-type: none"> • NSBA policy services • MABE policy service • Maryland school systems
Membership	<ul style="list-style-type: none"> • Board President or Vice President • Superintendent or designee • Board Attorney • Board member • Board member • HCPS Leadership Team member(s)

64. Further, policy development may involve more than two reviews, often referred to as “readings,” and other opportunities for stakeholder engagement with students, staff, parents, community members,

⁵⁹ Hartford County Public Schools. (2010). Policy Committee Charter. Hartford County Public Schools. https://www.hcps.org/boe/docs/board_handbook/POLICY%20COMMITTEE%20CHARTER%20revised%2012-10-10.pdf.

⁶⁰ Hartford County Public Schools. (2010). Policy Committee Charter. Hartford County Public Schools. https://www.hcps.org/boe/docs/board_handbook/POLICY%20COMMITTEE%20CHARTER%20revised%2012-10-10.pdf.

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business and advocacy groups, and other interested parties. After all appropriate steps in the process have been taken and significant feedback has been received and considered prior to and during the policy approval process, board members will vote on the record in open session on the new policy (or any changes to an existing policy) or on any other action they have considered and brought forward to a decision point.

3. Process for Creating and Approving Operating Budgets

65. In addition to policy adoption, one of the other most critical decision points in the board and superintendent collaboration is the creation and approval process for the annual operating budget. Board members, in collaboration with the superintendent, oversee the budget development and the management of revenues and expenditures throughout the fiscal year (FY). The superintendent and staff, with board of education input, are responsible both for creating and finalizing the budget for the upcoming fiscal year and for spending and closing out the current fiscal year budget. For example, while spending the FY 25 budgeted funds, the superintendent, staff, and board are also creating the FY 26 budget and moving it through the funding and approval process. Simultaneously, they are considering how the current and upcoming budget decisions will affect the FY 27 budget. In my experience, budgeting is a rolling 18-to-24-month process.
66. In general, school systems have complex funding systems, receiving revenues from multiple sources. While the superintendent works with the board and community on priority setting, the chief financial officer and other district administrative leaders monitor the funding projections and submit budget proposals for their areas of responsibility. Prior to the COVID-19 pandemic, about 7% of school system funding came from the federal government, but by 2022, with the COVID-19 emergency legislation passed in 2020 and 2021, the federal government was providing about 14% of revenues. States on average provided about 44% of FY22 funds, while the local community provided an average 43% of the annual budget.⁶¹
67. Almost all states (46 out of 50) use a foundation block grant system to fund schools. This method of allocating funds provides a minimum level of funding per student. “The funding provided through foundation programs may also take into account different student characteristics, such as family income and disability status, to ensure at-risk students receive sufficient resources.”⁶² It is incumbent on the school system staff to constantly monitor federal determinations and state and local revenue projections, proposed legislation, and other information and actions so they can accurately predict funding levels for the coming year. Those same staff must advocate for additional staff and resources for their departmental needs to the superintendent and board, and simultaneously, be fully prepared to recommend cuts to the final proposed budget.
68. The amount of local funding provided, unlike with federal and state funds, is open for debate at the local level. The school board and superintendent, either in collaboration or in conflict, determine the local funding request that will go to the elected officials or directly to the community. For example, the superintendent, collaborating with the board, may propose the budget, but the approval process is typically conducted via a direct vote in town meetings. In other systems, the board approves a proposed local funding request, and that amount goes to the local elected officials or to the voters asking for

⁶¹ Peter G. Peterson Foundation. (2024). How Is K-12 Education Funded? Peter G. Peterson Foundation. <https://www.pgpf.org/article/how-is-k-12-education-funded/>.

⁶² Peter G. Peterson Foundation. (2024). How Is K-12 Education Funded? Peter G. Peterson Foundation. <https://www.pgpf.org/article/how-is-k-12-education-funded/>.

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budget approval. Once the budget is approved, it is used to fund the system's operating expenses when the new fiscal year begins.

69. And while the superintendent has the authority and responsibility to administer the spending of the funds allocated in the budget, the board has, almost without exception, the full authority to determine the allocation of funds by category and by line item.⁶³ To understand board and system priorities that drive budget conversations, an examination of the policy work, program development, board agenda items, and public communication and feedback is necessary.
70. No matter what the process for final approval of a school system budget, extensive records are typically kept about the issues that have been considered and the decisions that have been made. Once a budget is in place, there will be ongoing communication with the funding authority—whether it be the town council, county commissioners, or state legislature—about how and why funds have been allocated to solving a problem or dedicated to the development of innovative programs.

4. Maintenance of Publicly Accessible Records and Open Meetings

71. In both the policy and budget processes, the board and school system have obligations to create and maintain accurate and comprehensive records about the steps in the process, presentations materials used, and final decisions by the superintendent and board members. And the records kept must be available to the public, almost without exception, because of transparency requirements, such as the Public Information and Open Meetings Acts found in virtually every state.⁶⁴
72. Open meeting laws ensure that the deliberations and actions taken by a school board are known and documented, such that the public can access them. All states and Washington D.C. have enacted open meeting laws. Such laws stipulate that advance notice of meetings must be provided to the public and the meetings must allow public attendance, although not always participation. The laws also require meeting minutes, recordings, and/or transcripts to be available at no cost.⁶⁵ While the actual requirements for advance notice and minutes vary from state to state, these requirements apply to local and state school boards and any committees under the authority of the boards.
73. Related in purpose to the Open Meeting laws are Freedom of Information laws. Freedom of Information requests allow individuals or groups to request any and all documents from school systems. Internal and external communications about the deliberations and actions of the school board, superintendent, and the entire school system are generally available. Few exclusions exist, and those typically relate to information about employee discipline, litigation, or in limited cases, the proprietary information of vendors who are doing work with the system. For example, policy and budget documents, and all documents concerning other matters including texts and emails can be requested. Through document management sites such *BoardDocs*, records from past board meetings can be accessed. Records of actions taken by the superintendent and staff are also kept. The public record of current school system

⁶³ MD Education Code § 4-205 (2024); Roza, M., Anderson, L. (2024). School Boards Face Their Most Difficult Budget Season Ever. Many Are Unprepared. The 74 million. <https://www.the74million.org/article/school-boards-face-their-most-difficult-budget-season-ever-many-are-unprepared/>.

⁶⁴ The School Superintendent Association. (2017). Preventing Board Abuse of Open Meetings Acts. The School Superintendent Association. <https://www.aasa.org/resources/resource/preventing-board-abuse-of-open-meetings-acts>; Freedom of Information Advocates. (2025). State Public Record Laws. Freedom of Information Advocates. <http://www.foiadampions.com/records.html>.

⁶⁵ DMLP. (2025). Access to State and Local Government Meetings. Dmlp.org. <https://www.dmlp.org/book/export/html/1406>.

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work and work done in the past is generally extensive and readily available.⁶⁶ School boards are subject to applicable Freedom of Information requests and must comply according to the guidelines prescribed in the law.

5. Reporting Requirements

74. Further, each year, under federal law, school systems referred to as LEAs (Local Education Agencies) by the state and federal government must submit an annual report card covering a prescribed list of areas of work to their state and publish the report on their website.⁶⁷
75. As part of the federal Every Student Succeeds Act passed in December 2015, the report card “must include information about public schools related to a wide variety of student and school performance metrics, accountability, per-pupil expenditures, and educator qualifications, as well as any other information that the SEA or LEA deems relevant.”⁶⁸ As recently as January 2025, the site was updated, and a review of the site revealed that no new requirements to annual reports have been added since before the COVID-19 pandemic. A guide for school climate was added in 2019 for parents.
76. In addition to annual reports, local school systems provide information, submit reports, and undergo audits by the federal government and their respective state governments. The National Center for Education Statistics’ (NCES) Education Demographic and Geographic Estimate (EDGE) collects information included in the NCES Common Core of Data (CCD). State officials provide the information to the federal government. Administrative and fiscal information collected from schools, school systems, and state education agencies is provided, along with directory information about schools and school systems. The information contains student demographic reports as well as school grade spans, numbers of teachers, and other administrative data.⁶⁹
77. While the NCES Common Core of Data program is the most comprehensive, the United States Census Bureau collects additional information for the NCES. For example, the Census Bureau administers the National Teacher and Principal Survey, the School Survey on Crime and Safety, and The Local Education Agency Finance Survey.⁷⁰ The results of the most recent National Teacher and Principal Survey (for 2020-21) were released in February 2022 and examined topics such as changes to instructional practice during the pandemic. The survey also asked for information about real-time interactions with students, including the use of video and audio calls. Items about computer and internet access were included, as well as the extent to which teachers and principals felt supported in their

⁶⁶ Aichinger, A. (2024). Open Meeting Laws and Freedom of Speech. The Free Speech Center at Middle Tennessee State University. <https://firstamendment.mtsu.edu/article/open-meeting-laws-and-freedom-of-speech/>.

⁶⁷ U.S. Department of Education. (2015). Every Student Succeeds Act (ESSA). U.S. Department of Education. <https://www.ed.gov/laws-and-policy/laws-preschool-grade-12-education/every-student-succeeds-act>; Kupper, L. (2018). Annual State and Local Report Cards. Center for Parent Information and Resources. <https://www.parentcenterhub.org/report-cards-essa-fact-sheet/>.

⁶⁸ Kupper, L. (2018). Annual State and Local Report Cards. Center for Parent Information and Resources. <https://www.parentcenterhub.org/report-cards-essa-fact-sheet/>.

⁶⁹ The National Center for Education Statistics. (2024). Public School Characteristics 2021-22. The National Center for Education Statistics. <https://catalog.data.gov/dataset/public-school-characteristics-2021-22>.

⁷⁰ Census Bureau (2024). Public Education Statistics. Bureau of Census. <https://www.census.gov/topics/public-sector/education-finances.html>.

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work.⁷¹ No information about the emotional impact of the COVID-19 pandemic on students was collected. The United States Department of Education Office of Civil Rights (OCR) collects data about a broad range of topics, but none of it is focused on student well-being or mental health. Specifically, the OCR requires the following submissions:

1. An Overview of the 2020-21 Civil Rights Data Collection Snapshot
2. Civil Rights Data Quality Snapshot
3. Student Discipline and School Climate Report
4. Referrals to Law Enforcement and School-related Arrests Snapshot
5. Sexual Violence and Sex-based Harassment or Bullying Snapshot
6. Student Enrollment and School Characteristics Snapshot
7. Profile of Students with Disabilities Snapshot
8. Profile of English Learners Snapshot
9. Student Access to and Enrollment in Mathematics, Science, and Computer Science Courses and Academic Programs Report.⁷²

78. Not only do states collect vast amounts of information and pass it on to federal agencies, but they also require that school systems complete reports, data collections, and audits specifically for the state. While the information is not aggregated at the national level, states typically require annual financial audits. These yearly financial audits look at compliance with state and federal laws, food services programs, and student activity accounts at both the school- and system-level.⁷³

79. Additionally, States often require audits of graduation requirement compliance and reviews of elementary and middle school-level programming to ensure compliance with subject area time requirements and state curriculum standards. States audit local school system special education departments to ensure compliance with timelines and meeting notice requirements and to analyze the adherence to quarterly progress reporting mandates. Most states require and report student discipline data and law enforcement interactions in schools. The Education Commission of the States provides a fifty-state comparison of reporting requirements for student discipline.⁷⁴

80. At the local level, school systems report information, data, problems, and opportunities at local board meetings. A great deal of the information provided to the state and federal education departments is used in presentations given by superintendents in their own communities. Superintendents and staff

⁷¹ Institute of Education Sciences. (2022). Impact of the Coronavirus (COVID-19). U.S. Department of Education. <https://nces.ed.gov/pubs2022/2022019.pdf>.

⁷² Office for Civil Rights. (2025). Civil Rights Data Collection Resources. U.S. Department of Education. <https://civilrightsdata.ed.gov/publications>.

⁷³ Holland, S.E. (2016). Five Tips for School District Audits. The CPA Journal. <https://www.cpajournal.com/2016/04/14/five-tips-school-district-audits/>.

⁷⁴ Kelley, B., Jamieson, C., et al. (2021). 50-State Comparison: School Discipline Policies. Education Commission of the States. <https://www.ecs.org/50-state-comparison-school-discipline-policies/>.

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members, at times with board members, appear before local elected officials, PTA councils, and community boards to discuss both successes and areas for improvement, as well as budget priorities, programmatic changes, and policies under consideration. Controversial events or situations such as a violent attack in a school that causes fear or angst in the community often results in community meetings and public discussions with advocacy groups. A great amount of information is compiled, recorded, and kept on file in each school system, and it is readily available to anyone who requests it.

6. Conclusion

81. Each day millions of individuals including board members, teachers, business owners, secretaries, elected officials, parents, and in particular, students interact with and engage in schools. More than 100,000 schools make up the public schools system in the United States and that system is comprised of a complex network of school buildings, school systems and state agencies. In fact, there is significant consistency across school systems, both in the work that is done and the way it is done. The work of school systems is conducted in public, and the public has access to virtually every aspect of it through mechanisms like the Open Meetings Act and public information requirements.
82. The focus of all school systems is students, and their purpose is to promote student learning. To that end, individuals both in the system and those on the outside of it spend many hours discussing and debating policies, budgets, programs, and initiatives. The public nature of this work, the way that policies are adopted and implemented, the systematic development of budgets, the actions and communications around new initiatives, and the extensive records that are kept all make it possible to understand what deliberations were held and what actions were taken on issues in a school system.
83. Moreover, it is possible to draw comparisons between different school systems by comparing these public records and their approaches to addressing issues, adopting budgets, and publicly reporting their activities.

Section V. School Systems Are Navigating Numerous and Diverse Challenges to Student Learning, Student Mental Health, and Ever-Increasing Costs

A. Overview

84. School systems have grappled with problems facing their students since one-room schoolhouses were organized into school systems more than a century ago.⁷⁵ Many of those same problems exist today and represent obstacles to be overcome as educators strive to meet their core mission of teaching and learning. Indeed, in “The Ghost of School Past,” Nancy Flanigan dismissed the myth that schools’ present-day problems are new, and that things were generally better historically, writing: “We’re stuck with longing for the good old days that never were.”⁷⁶
85. For example, issues of poverty and discrimination have long existed, and many would argue they were worse in the past.⁷⁷ History shows numerous examples of societal efforts to address issues in schools and make schooling more equitable and better able to meet the needs of all students. For example, in the 1960s, there was a significant drive to increase funding for schools serving African American and

⁷⁵ Camp, J. (2009). 1.7 History: Have Schools Always Worked This Way? ED100. <https://ed100.org/lessons/history>.

⁷⁶ Flanagan, N. (2010). The Ghost of Schooling Past (Opinion). Education Week. <https://www.edweek.org/education/opinion-the-ghost-of-schooling-past/2010/12>.

⁷⁷ Males, M. (1992). ‘Top school problems’ are myths. Kappan Online. <https://kappanonline.org/males-top-school-problems-myths/>.

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economically disadvantaged children.⁷⁸ Concern about student well-being and health pushed the effort to make lunch available to all in the 1940s⁷⁹ and to make college more accessible to all in the 1960s.⁸⁰ These are but a few examples of challenges taken on by educators to create greater levels of opportunity for children and higher levels of learning in every school. The role of the school is to meet the challenges students bring with them into the classroom each day and overcome them so that all students can have real opportunities after graduation.

86. School systems typically approach the challenges they face by employing the processes, strategies, and systems described above in Section IV of this Report.
87. This section of the Report examines existing problems that impact student learning and mental health in school systems across the nation and outlines typical responses to those problems, including the cost of the responses. The bottom line is that addressing these challenges costs school systems significant amounts of money, and school spending to address these various challenges has increased—and is continuing to increase—over time. Moreover, none of these challenges (or the associated costs) appears to be caused by student social media use.

B. Numerous factors impact student mental health and learning and drive up the costs of operating a school system.

88. An examination of the challenges faced by school systems, in particular those challenges that have persisted or surfaced over the past 10 years, indicates that students in schools today continue to deal with a wide range of problems, all of which are unrelated to any increase in the prevalence of social media use. The issues discussed in this section of the Report can and do significantly affect the services that school districts provide to students (including services relating to educational difficulties and disparities and mental health challenges). Furthermore, responding to these challenges drives up school system costs. A non-exhaustive list of the challenges and factors affecting schools includes:

- Actions taken during the COVID-19 pandemic and the lasting effects of those actions
- Student poverty and economic inequality
- Student safety, security and health
- Learning disparities and academic pressure

89. Additionally, noteworthy drivers of increased costs to school systems include:

- Inflation
- The current state of hiring, retaining and paying staff
- Regulatory requirements

1. Actions taken during the COVID-19 pandemic and the lasting effects of those actions

⁷⁸ Bartz, David E Revisiting James Colemans Epic Study Entitled Equality of Educational Opportunity NFEASJ V34 N 4 2016.pdf.

⁷⁹ Gunderson, G. (2024). History of the National School Lunch Program. USDA Food and Nutrition Service. <https://www.fns.usda.gov/nslp/program-history>.

⁸⁰ Mintz, S. (2022). How the 1960s Created the Colleges and Universities of Today. Inside Higher Ed. <https://www.insidehighered.com/blogs/higher-ed-gamma/how-1960s-created-colleges-and-universities-today>.

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90. Any discussion of the challenges that schools face in 2025 must consider what may be the current generation of students' most significant school experience, the COVID-19 pandemic. From March of 2020 until June of 2020, about 77% of the K-12 student population was isolated at home, away from peers and school staff.⁸¹ In September of 2020, "about 60 percent of U.S. schools were fully virtual and only 20 percent were operating a traditional in-person schedule. (About 20 percent were hybrid)."⁸² By any measure, this situation was one of the most disruptive to schools and students in the nation's history.
91. In 2021, the United States Department of Education wrote about the mental health struggles that many students were experiencing. The Department of Education identified that student mental health issues can "impact [students'] full access and participation in learning and can lead to behaviors that are inconsistent with school or program expectations."⁸³ The Department went on to state, "The COVID-19 global pandemic intensified these challenges, accelerating the need to provide school-based mental health support and leverage our accumulated knowledge about how to provide nurturing educational environments to meet the needs of our nation's youth."⁸⁴
92. In the Spring 2020, early in the pandemic, the Council of Great City Schools (CGCS) (CGCS brings together the nation's largest urban public school systems in a coalition dedicated to the improvement of education for children in the inner cities)⁸⁵ produced a resource guide focused on mental health and social-emotional-wellness during the crisis.^{86, 87}
93. Certainly, in my experience as superintendent in Montgomery County, Maryland, the challenges brought by the pandemic were formidable. The 16 months from March 2020 to July 2021 were chaotic and difficult, and the effects of digital learning, masks, and, in particular, isolation were confronted

⁸¹ National Center for Education Statistics. (2021). Annual Reports and Information Staff (Annual Reports). National Center for Education Statistics. <https://nces.ed.gov/surveys/annualreports/topical-studies/covid/>.

⁸² Daly, T. (2024). Why were schools closed so long during the pandemic? The Thomas B. Fordham Institute. <https://fordhaminstitute.org/national/commentary/why-were-schools-closed-so-long-during-pandemic>.

⁸³ Cardona, M., Neas, K. (2021). Supporting Child and Student Social, Emotional, Behavioral, and Mental Health Needs. U.S. Department of Education. <https://www.ed.gov/sites/ed/files/documents/students/supporting-child-student-social-emotional-behavioral-mental-health.pdf>.

⁸⁴ Cardona, M., Neas, K. (2021). Supporting Child and Student Social, Emotional, Behavioral, and Mental Health Needs. U.S. Department of Education. <https://www.ed.gov/sites/ed/files/documents/students/supporting-child-student-social-emotional-behavioral-mental-health.pdf>.

⁸⁵ Council of the Great City Schools: The Nation's Voice for Urban Education. (2025). Who We Are - About CGCS. Council of the Great City Schools: The Nation's Voice for Urban Education. <https://www.cgcs.org/whowear>.

⁸⁶ Von der Embse et al. (2020). Addressing Mental Health and Social-Emotional Wellness in the Covid-19 Crisis A Resource Guide for School Districts Spring 2020. https://www.cgcs.org/cms/lib/DC00001581/Centricity/Domain/313/CGCS_SocialEmot_Resources.pdf. The resource guide states in plain language that the pandemic forced school systems to deal with new and complex challenges not seen before. It went on to say that the pandemic had "highlighted many of the inequities and limitations that have existed for years in the way that we, as educators, support the social and emotional health and development of our students. Dealing with the current crisis will require us to address these limitations."

⁸⁷ Von der Embse et al. (2020). Addressing Mental Health and Social-Emotional Wellness in the Covid-19 Crisis A Resource Guide for School Districts Spring 2020. https://www.cgcs.org/cms/lib/DC00001581/Centricity/Domain/313/CGCS_SocialEmot_Resources.pdf.

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daily. I joined all other Maryland superintendents as we met digitally on an almost weekly basis to discuss how best to manage the multiple facets of the crisis and the profound impact on students. Compliance with policies of state and local governments and health officers was chaotic and riddled with conflicting and ever-changing guidance. I also met at least monthly with superintendents from across the nation as a member of the AASA (American Association of School Administrators) countywide and large suburban school system cohort.

94. Both the group of Maryland superintendents and the AASA group met using a digital platform throughout the pandemic and had regular discussions about the negative impact of closing schools on students' social-emotional well-being and learning. We also heard reports from the field about mass absenteeism and disengagement, as well as other indicators that the isolation was having devastating effects on students. Harford County Public Schools, like other school systems, focused on mental health as the pandemic continued. In June 2022, an HCPS Final Research Report entitled, Continuity of Learning; Advancements from the COVID-19 Pandemic, Recommendation III stated the intention to "Codify HCPS commitment to prioritizing student and staff health and wellbeing. Throughout COVID-19, stakeholders recognized the district's increased prioritization and awareness of the importance of mental and physical health."⁸⁸
95. The effects of the pandemic on students and schools continue to this day. For example, in August 2024, AASA offered a professional learning session for superintendents entitled, Panel Discussion: Addressing Student and Staff Mental Health in Your District. In the description of the session, AASA identified that "with the state of mental health on the decline since the onset of the pandemic, district leaders are searching for attainable mental health solutions for their staff and students that really work. An improvement in district mental health not only increases overall district health and wellness, but it can positively impact teaching and learning outcomes."⁸⁹
96. In addition to grappling with and funding programs since 2021 for what has been commonly referred to as learning loss attributable to the pandemic,⁹⁰ it has been reported that about "90 percent of public schools said they increased social and emotional support for students in response to the coronavirus pandemic in 2021-22."⁹¹ Furthermore, a study done in the spring of 2021 provided immediate information about the effects of the pandemic on student mental health. "Results indicated a concerning impact on the stress, anxiety, depression, and loneliness that students are feeling."⁹²

⁸⁸ HCPS 00004086. Additionally, see HCPS_00004086 (noting that an "innovation" coming out of COVID-19 was "increased mental health awareness and prioritization of student and staff health").

⁸⁹ The School Superintendents Association. (2025). Panel Discussion: Addressing student and staff mental health in your district. The School Superintendents Association. <https://www.aasa.org/resources/resource/panel-discussion-addressing-student-and-staff-mental-health>.

⁹⁰ Harvard Graduate School of Education News Editor. (2023). New Data Show How the Pandemic Affected Learning Across Whole Communities. Harvard Graduate School of Education.

<https://www.gse.harvard.edu/ideas/news/23/05/new-data-show-how-pandemic-affected-learning-across-whole-communities>.

⁹¹ National Center for Education Statistics Staff. (2024). New Schools Data Examine Violent Incidents, Bullying, Drug Possession, "Restorative" Practices, Security Staff, and More. National Center for Education Statistics. https://nces.ed.gov/whatsnew/press_releases/1_17_2024.asp.

⁹² Gazmararian, J., Weingart, R., Campbell, K., Cronin, T., & Ashta, J. (2021). Impact of COVID -19 Pandemic on the Mental Health of Students From 2 Semi-Rural High Schools in Georgia*. Journal of School Health, 91(5), 356–369. <https://doi.org/10.1111/josh.13007>.

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97. The school system efforts responsive to both the immediate response to the pandemic, and the ongoing effects of the pandemic, are massive. Moreover, the impact on learning and student well-being are substantial. And while literally billions of federal dollars were provided to schools from early 2020 to September 2024, with a requirement to actually spend the funds by December 2024, debates continue about the effectiveness of the responses that were funded.⁹³ Tutoring, summer programs, technology enhancements, and digital platforms, as well as infrastructure improvements were all funded during and after the pandemic. Furthermore, about 90 percent of public schools said they provided additional support for students' mental health needs in response to the pandemic.⁹⁴ While the pandemic had whole population effects, not all students and families experienced the many effects in the same way. Certainly, the socioeconomic status of the students and families in each school community had much to do with the extent to which they experienced disrupted education and were affected by the closure of schools. Poverty or the lack thereof was an exacerbating factor everywhere.
98. Even when Harford County Public Schools were reopened, significant safety protocols were observed. For example, in protocols from February 2021, the school system mandated various interventions like masks; physical and social distancing; cohort limitations (i.e., mandating students and teachers remain in small groups throughout the day); mandatory quarantining for 14 days following exposure; frequent sanitation requirements; and physical barriers such as a plexiglass and face shields.⁹⁵ Even into 2022, HCPS maintained COVID-19 interventions that affected students' school experiences:

“Effective January 4, the district canceled all after-school activities that are not part of the COVID_19 [sic] testing program. It also canceled field trips, social events and assemblies. HCPS facilities are closed to outside groups but before and after care will still be allowed to operate in schools. No spectators are allowed at sporting events and no audiences are allowed at performances.”⁹⁶

All of these interventions individually—and cumulatively—have the potential to disrupt the learning environment and affect an individual student's learning outcomes.

2. Student Poverty and Economic Inequality

99. Before, during, and after the pandemic, a challenge students have faced and which school systems have attempted to mitigate or eliminate is the negative effect of poverty on a student's educational experience. The National Association of Secondary School Principals (NASSP) reports that about one-fifth of the students in the United States live in poverty, attend a high-poverty school, or both. Students in poverty can experience homelessness, health issues, little or no access to medical care, poor nutrition,

⁹³ Perez, Jr, J. (2025). Education Department halts final payouts of federal pandemic relief funds. Politico. <https://www.politico.com/news/2025/03/28/education-department-halts-final-payouts-of-federal-pandemic-relief-funds-00258985>.

⁹⁴ National Center for Education Statistics Staff. (2024). New Schools Data Examine Violent Incidents, Bullying, Drug Possession, “Restorative” Practices, Security Staff, and More. National Center for Education Statistics. https://nces.ed.gov/whatsnew/press_releases/1_17_2024.asp.

⁹⁵ HCPS COVID-19 Safety Protocols (February 2021), https://cdnsm5-ss18.sharpschool.com/UserFiles/Servers/Server_720153/File/COVID-19%20Safety%20Protocols%20and%20Checklist%20Tool%20for%20Schools%20v2.12.21.pdf.

⁹⁶ ABC WMAR2 News Baltimore, *Harford County schools updates COVID protocols including canceling field trips, social events* (Jan. 4, 2022), <https://www.wmar2news.com/homepage-showcase/harford-county-schools-updates-covid-protocols-including-canceling-field-trips-social-events>.

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and housing and food insecurity. All of these factors increase stress on a student and negatively affect the student and his or her academic progress.⁹⁷

100. The original *Elementary and Secondary Education Act* (ESEA), which created Title I (Title I Part A of the federal Elementary and Secondary Education Act provides financial assistance to districts and schools with high numbers or high percentages of children from low-income families to help ensure that all children meet challenging state academic standards),⁹⁸ was passed as part of the federal “war on poverty” in 1965.⁹⁹ The legislation drove efforts by schools to respond to the needs of students in poverty more systematically.¹⁰⁰ Since 1965, efforts by educators to reduce the negative effects of poverty on students have increased. Greater understanding in school systems of the effects of poverty on learning, efficacy, and mental health have all been areas of focus and effort for decades.¹⁰¹ Almost every year, states across the nation pass either sweeping legislation or small bills trying to support students in poverty.
101. For example, in Maryland, historic legislation was passed in 2021 that touched virtually every area of each public school system. The legislation is named “The Blueprint for Maryland’s Future,” and is, at its core, about mitigating the impact of poverty in schools, and thereby increasing learning and improving the mental health and well-being of Maryland’s children. Billions of dollars will be used to increase support for neighborhoods impacted by poverty through the expansion of “community schools,” with coordinated wraparound services. The services provided at the community schools will focus on the physical, social, and psychological needs of students and families, with student social-emotional well-being at the center of the effort. The law requires the state government to invest an additional \$3.9 billion (45% increase) in Maryland’s public schools by fiscal year 2034, and local governments must invest at least \$700 million (8% increase) over pre-Blueprint levels.¹⁰² Furthermore, the law requires a ten-year plan that provides greater support “for students and families based on differentiated need” and creates funding formulas based on the “measure of concentration of poverty.”¹⁰³
102. Local school systems across Maryland are also adjusting local formulas to provide greater levels of funding to support the mental health and learning needs of the children who live in poverty. In 2018,

⁹⁷ National Association of Secondary School Principals Staff. (2019). Poverty and Its Impact on Students’ Education. National Association of Secondary School Principals. <https://www.nassp.org/poverty-and-its-impact-on-students-education/>.

⁹⁸ U.S. Department of Education. (2020). Title I. U.S. Department of Education. <https://www.ed.gov/laws-and-policy/laws-preschool-grade-12-education/title-I>.

⁹⁹ U.S. Department of Education. (2024). The Elementary and Secondary Education Act (ESEA). U.S. Department of Education. <https://www.ed.gov/laws-and-policy/laws-preschool-grade-12-education/esea>.

¹⁰⁰ Department of Education. (2019). Opportunities And Responsibilities for State And Local Report Cards Under the Elementary and Secondary Education Act of 1965, As Amended By the Every Student Succeeds Act. U.S. Department of Education. <https://www.ed.gov/sites/ed/files/policy/elsec/leg/essa/report-card-guidance-final.pdf>.

¹⁰¹ Menestrel, S. L., & Duncan, G. (2019). Consequences of Child Poverty. National Libraries of Education. <https://www.ncbi.nlm.nih.gov/books/NBK547371/>.

¹⁰² About Blueprint. (2024). Accountability and Implementation Board (AIB). Government of Maryland <https://aib.maryland.gov/Pages/about-blueprint>.

¹⁰³ Blueprint for Maryland’s Future. (2025). What is the Blueprint for Maryland’s Future? Blueprint for Maryland’s Future. <https://blueprint.marylandpublicschools.org/about/>.

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the school system in Montgomery County, Maryland, where I served as superintendent at the time, completed a research study entitled, “Understanding the Relationships between Poverty, School Factors, and Student Achievement.” In an examination of “school climate,” a quality linked to mental health for both students and adults, the schools with persistently high poverty had lower ratings than low-poverty schools on criteria such as whether “*the school is a good place to work*” and “*the school is safe*.¹⁰⁴

103. A study by Mistry et al. found that a student’s knowledge of family poverty has a negative impact on the student. “[Y]outh perceptions of economic stress and financial constraints predicted adolescents’ level of emotional distress and educational outcomes.”¹⁰⁵ Harms & Garrett-Ruffin had similar findings in “Disrupting links between poverty, chronic stress, and educational inequality.”¹⁰⁶ Students’ economic circumstances, often referred to in education literature as Socio-Economic Status (SES), “is a consistent and reliable predictor of a vast array of outcomes across the life span, including physical and psychological health.”¹⁰⁷ While there is a consensus about the effects of poverty on students, how to respond is less evident and subject to an array of factors across the states.
104. In 2019, working with the National Institutes of Health, researchers Menestrel and Duncan wrote “A Roadmap to Reducing Childhood Poverty.” Chapter 3 identifies research on the linkages between poverty and all aspects of the child’s life.¹⁰⁸ The researchers wrote, “We find overwhelming evidence from this literature that, on average, a child growing up in a family whose income is below the poverty line experiences worse outcomes than a child from a wealthier family in virtually every dimension, from physical and mental health to educational attainment and labor market success, to risky behaviors and delinquency.”¹⁰⁹
105. The resources allocated to the public education system’s war on poverty have been significant and, since its inception in 1965, the resources have been increasing. The federal government’s allocation of Title I funding increased to over 18 billion dollars in 2023, and another 6 billion dollars were allocated that same year to school improvement programs, primarily serving high-poverty schools. These dollars are on top of and apart from the funding by local and state governments and other federal funding

¹⁰⁴ Jackson, C., Addison, K. (2018). Understanding the Relationships between Poverty, School Factors and Student Achievement. Montgomery County Public Schools.

<https://ww2.montgomeryschoolsmd.org/departments/sharedaccountability/reports/2018/Poverty%20and%20Achievement.pdf>.

¹⁰⁵ Mistry, R. S., Benner, A. D., Tan, C. S., & Kim, S. Y. (2009). Family economic stress and academic well-being among Chinese-American youth: The influence of adolescents’ perceptions of economic strain. *Journal of Family Psychology*, 23, 279-290. <http://dx.doi.org/10.1037/a0015403>.

¹⁰⁶ Harms, M. B., Garrett-Ruffin, S. D. (2023). Disrupting links between poverty, chronic stress, and educational inequality. *Npj Science of Learning*, 8(1), 1–6. <https://doi.org/10.1038/s41539-023-00199-2>.

¹⁰⁷ American Psychological Association. (2017). Education and Socioeconomic Status. American Psychological Association. <https://www.apa.org/pi/ses/resources/publications/education>.

¹⁰⁸ Menestrel, S. L., & Duncan, G. (2019). Consequences of Child Poverty. National Libraries of Education. <https://www.ncbi.nlm.nih.gov/books/NBK547371/>.

¹⁰⁹ Menestrel, S. L., & Duncan, G. (2019). Consequences of Child Poverty. National Libraries of Education. <https://www.ncbi.nlm.nih.gov/books/NBK547371/>.

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programs.¹¹⁰ As of 2020, 41 states have laws in place that provide higher levels of funding to support students living in poverty, and 22 states allocate more funding to school systems with concentrations of poverty.¹¹¹

106. While many researchers and advocates push for higher levels of federal and state funding, local funding must also be factored into the total allocation. An extensive study of school system funding at the local level by researchers at the University of Pennsylvania and the University of Delaware found that schools with poorer students spent on average more than \$529 more per student per year than other schools in the same state.¹¹²

107. School systems spend these ever increasing funds from the local, state, and federal governments on a vast array of programs and strategies to support teaching, learning and well-being. Tutors, classroom instructional assistants, content leaders, and teacher coaches are all funded. Additionally, out-of-school programs serve students before and after school, as well as during summers, often with extensive social-emotional components, such as self-efficacy, adopting a growth mindset, executive functioning, prosocial behaviors, and self-confidence.¹¹³

108. And almost all schools have added mental health support for students since 2021.¹¹⁴

3. Student Safety and Security

109. School systems have been forced to significantly expand their role in keeping students safe and secure, both in school buildings and in neighborhoods where students live. Schools have increased their involvement in student health and in the health care services and facilities provided in an educational setting.

110. Students may be faced with being robbed or attacked (with or without the use of a weapon) while at school or on their way to or from the school building. They may be confronted with a brawl in the school or be sexually assaulted in a bathroom. Drug use and suicide are not uncommon as a part of many students' school experience.¹¹⁵ Despite widespread agreement that all children and youth deserve

¹¹⁰ USAFacts team. (2025). How does the federal government support education? USAFacts. <https://usafacts.org/articles/how-does-the-federal-government-support-education/>.

¹¹¹ Katz, N. (2020). State Education Funding: The Poverty Equation. FutureEd. <https://www.future-ed.org/state-education-funding-concentration-matters/>.

¹¹² Lee, H., Shores, K., & Williams, E. (2022). The distribution of school resources in the united states: A comparative analysis across levels of governance, student subgroups, and educational resources. Peabody Journal of Education, 97(4), 1–17. <https://doi.org/10.1080/0161956x.2022.2107369>.

¹¹³ Sparr, M. (2021). Afterschool Programs to Improve Social-Emotional, Behavioral, and Physical Health in Middle Childhood: A Targeted Review of the Literature. Office of the Assistant Secretary for Planning and Evaluation & Office on Women's Health, Office of the Assistant Secretary for Health, U.S. Department of Health and Human Services. https://aspe.hhs.gov/sites/default/files/private/pdf/265236/4_MCASP_LiteratureReview.pdf.

¹¹⁴ National Center for Education Statistics Staff. (2024). New Schools Data Examine Violent Incidents, Bullying, Drug Possession, “Restorative” Practices, Security Staff, and More. National Center for Education Statistics. https://nces.ed.gov/whatsnew/press_releases/1_17_2024.asp.

¹¹⁵ DePaoli, J., & McCombs, J. (2024). Safe Schools, Thriving Students: What We Know About Creating Safe and Supportive Schools. Learning Policy Institute. <https://learningpolicyinstitute.org/product/safe-schools-thriving-students-report>.

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a safe and healthy school environment, there is significant debate about how best to promote student safety.¹¹⁶

111. As DePaoli, J., & McCombs, J. (2024, January 26) note, there is much debate within school systems about how best to keep students safe and secure, while also promoting students' physical and mental health. Efforts to keep students and educators safe by changing the physical structure of a school and adding defensive equipment are called "school hardening." "Hardening encompasses a wide range of physical defenses, such as surveillance cameras, metal detectors, door-locking systems," and restricting access through secure vestibules.¹¹⁷ In my own experience as a principal and as a superintendent, the conflicts created in communities over advocacy for "hardening the school building" are significant. School board meetings often erupt into chaos as some individuals argue for more counselors and social workers and others demand greater security measures and equipment. Community members might argue, for example, over facility priorities, as the need for a new arts space is pitted against the need to renovate and "harden" the foyer, making it less accessible.
112. Conflicting priorities as to how to allocate resources to student safety and health can be seen in a wide variety of topics. Those around the school may perceive the physical structure of the building being turned into a fortress. Simultaneously, the school might add a new health clinic,¹¹⁸ while programs to teach students mindfulness and mediation skills are also being implemented. And while many think that health clinics are exactly what many adolescents need, others in the community might object to schools providing information concerning STDs and birth control (and even treatment for STDs). Despite these conflicts, student safety and health remain a central priority for schools. Each year, school systems spend more than 2.7 billion dollars just on hardening school buildings.¹¹⁹

4. Learning Disparities and Academic Pressure

113. Of the problems and challenges facing schools, none are more persistent than low levels of academic achievement and little or no consistent progress in the elimination of disparities, or *gaps* in learning among student populations.¹²⁰
114. During my time as both a school system and state department of education leader, the work on addressing learning disparities was substantial. Academic progress is absolutely necessary if students are to graduate with twenty-first-century skills, which are required to allow them to choose from an array of options for their first steps after high school. Equally important is the confidence students need to face setbacks and deal with the anxiety of new and challenging situations in an adult world. In Montgomery County Public Schools, we developed the "Evidence of Learning Model" so we could

¹¹⁶ DePaoli, J., & McCombs, J. (2024). Safe Schools, Thriving Students: What We Know About Creating Safe and Supportive Schools. Learning Policy Institute. <https://learningpolicyinstitute.org/product/safe-schools-thriving-students-report>.

¹¹⁷ Anthony, E. (2022). Does hardening schools make students safer? New Hampshire Bulletin. <https://newhampshirebulletin.com/2022/06/27/does-hardening-schools-make-students-safer/>.

¹¹⁸ Kapadia, F. (2024). School-Based Health Centers Are a Critical Component of Health Care for Children: A Public Health of Consequence, August 2024. American Journal of Public Health, 114(8), 769–771. <https://doi.org/10.2105/ajph.2024.307736>.

¹¹⁹ Anthony, E. (2022). Does hardening schools make students safer? New Hampshire Bulletin. <https://newhampshirebulletin.com/2022/06/27/does-hardening-schools-make-students-safer/>.

¹²⁰ Harms, M. B., Garrett-Ruffin, S. D. (2023). Disrupting links between poverty, chronic stress, and educational inequality. Npj Science of Learning, 8(1), 1–6. <https://doi.org/10.1038/s41539-023-00199-2>.

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look at a number of factors during a student's elementary, middle and high school years to see if students were making academic progress. We looked at classroom activities and grades, system-wide projects, and benchmarks and external assessments. Comparing all of the evidence gives a more complete picture of what the students know and are able to do.

115. In order to support student well-being and help families navigate and access social-emotional supports, we developed "Be Well 365" because students who are healthy physically and emotionally learn more and are more likely to thrive in the learning environment.¹²¹ Additionally, programs like Equal Opportunity Schools were added.¹²² Equal Opportunity Schools focuses on students who have the skills to take college preparatory classes but believe they do not belong, leading them to not enroll. Students believing they belong in the most rigorous academic classes is as critical to their success as is their having the skills to complete the coursework.
116. Garrett-Ruffin and Harms authored a paper focused on "Disrupting links between poverty, chronic stress, and educational inequality." They wrote, "When a child is extra vigilant to potential threats in the environment at school (e.g., remarks from a teacher or classmate, or a sense of being "behind" her peers) and lacks the tools to reason through and regulate that sense of threat, she is unlikely to be able to focus optimally on learning in the classroom."¹²³ Both being "behind" and the concept of "belonging," a recent area of research focused on students who feel like they do not belong in advanced academic programs, are areas of intense efforts in the educational setting today.¹²⁴
117. Being perceived as "being behind" or "not belonging" are both challenging experiences for students. Both are detrimental not only to the student's academic progress, but also to the student's self-perceptions. Such perceptions take a toll on student mental health (Finn, 2019; Garrett-Ruffin & Harms, 2023; Korpershoek et al., 2020). Conversely, another challenge related to both academic progress and mental health is the pressure felt by many of the highest achieving students in the nation as they experience immense pressure to perform at the highest levels across many academic areas.¹²⁵ In the blog, *How Today's High School Students Face High Pressure in a Grind Culture*, Gail Cornwall interviews students for a Public Broadcasting Documentary. Describing the students in the interviews, Cornwall wrote, "they suffer all the detritus of those psychological phenomena: anxiety, depression, inefficiency, lack of intrinsic motivation, contingent self-worth, burnout, academic entitlement, somatic

¹²¹ Montgomery County Public Schools. (n.d.). Be Well 365. Montgomery County Public Schools. <https://www.montgomeryschoolsmd.org/departments/studentservices/wellbeing/index-new/>.

¹²² Finn, C. E. (2019). Growing Advanced Placement in Montgomery County, Maryland. Education Next. <https://www.educationnext.org/growing-advanced-placement-montgomery-county-maryland-learning-in-the-fast-lane-excerpt/>.

¹²³ Harms, M. B., Garrett-Ruffin, S. D. (2023). Disrupting links between poverty, chronic stress, and educational inequality. *Npj Science of Learning*, 8(1), 1–6. <https://doi.org/10.1038/s41539-023-00199-2>.

¹²⁴ Finn, C. E. (2019). Growing Advanced Placement in Montgomery County, Maryland. Education Next. <https://www.educationnext.org/growing-advanced-placement-montgomery-county-maryland-learning-in-the-fast-lane-excerpt/>; Korpershoek, H., Canrinus, E. T., Fokkens-Bruinsma, M., & de Boer, H. (2020). The relationships between school belonging and students' motivational, social-emotional, behavioural, and academic outcomes in secondary education: a meta-analytic review. *Research Papers in Education*, 35(6), 641–680. <https://doi.org/10.1080/02671522.2019.1615116>.

¹²⁵ Cornwall, G. (2022). How Today's High School Students Face High Pressure in a Grind Culture. PBS. <https://www.pbs.org/independentlens/blog/how-todays-high-school-students-face-high-pressure-in-a-grind-culture/>.

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symptoms like stomach aches, sleep loss, and more.”¹²⁶ School systems across the country have tried to deal with this challenge through policies, procedures, and rules limiting the number and type of courses students can take. However, school administrators have struggled to find a satisfactory solution, in part because students are individuals, and a course load that may be acceptable to one student may create debilitating anxiety in another.

C. Other drivers of increased costs to school systems

118. Each of the previously discussed areas significantly impacts students and affects school system priorities and budgets. Additionally, there are a number of challenges that may not have a direct impact on student learning or well-being but continue to drive costs higher.
119. Inflation. Consider the inflation rate from 2021 to 2024. Almost everything became more expensive during the COVID-19 pandemic, and even after it began to recede, due to inflation. While inflation affected most goods and services, some costs grew more than others. “Between 2020-21 and 2021-22, schools saw a 21.3 percent increase in the cost of food service and a 14.5 percent increase in the cost of school transportation. Fuel costs during this period were at record highs, too.”¹²⁷ The costs of operating a school system have continued to rise since 2022, just at a somewhat lower pace.¹²⁸
120. Employee costs and retention. While inflation impacted what school systems were purchasing, it also impacted the largest expenditures in any system—salaries, benefits, and other employee costs. The rising costs for employees have been driven by not only inflation, but by other factors as well. Workers have more leverage to ask for higher wages, and they also have the option to apply for positions in the private sector, where staffing shortages have left unfilled positions and driven up wages. Given that private employers have far more latitude to increase wages, it is no surprise that school systems are struggling to attract, recruit, hire, and retain staff.¹²⁹
121. Regulations. Furthermore, the regulatory environment has hit school systems in several areas of operations. One notable area is transportation. School systems across the country are purchasing electric busses because of environmental concerns, federal incentives and state mandates, even though they currently have higher upfront costs than the typical diesel buses.¹³⁰ For example, “New York was one of the first states to pass a law requiring school districts to convert their entire school bus fleets to run on electricity by 2035. Starting in 2027, districts will be prohibited from buying buses that run on diesel or anything other than electricity.”¹³¹ Other school system budget lines that have been affected have

¹²⁶ Cornwall, G. (2022). How Today’s High School Students Face High Pressure in a Grind Culture. PBS. <https://www.pbs.org/independentlens/blog/how-todays-high-school-students-face-high-pressure-in-a-grind-culture>.

¹²⁷ Lieberman, M. (2024). What New School Spending Data Show About a Coming Fiscal Cliff. Education Week. <https://www.edweek.org/policy-politics/what-new-school-spending-data-show-about-a-coming-fiscal-cliff/2024/05>.

¹²⁸ Burns, S. (2024). Everywhere you turn, people are talking about inflation. At the grocery store, gas pump, rents, you name it. LinkedIn.com. <https://www.linkedin.com/pulse/inflation-takes-healthy-bite-from-school-district-budgets-scott-burns-q9mzc/>.

¹²⁹ Lieberman, M. (2022). Schools Warned to Expect Wage Pressures for the Foreseeable Future. Education Week. <https://www.edweek.org/leadership/schools-warned-to-expect-wage-pressures-for-the-foreseeable-future/2022/06>.

¹³⁰ Lieberman, M. (2024). Electric Buses Hit Some Road Bumps, But They’re Still Catching On. Education Week. <https://www.edweek.org/leadership/electric-buses-hit-some-road-bumps-but-theyre-still-catching-on/2024/02>.

¹³¹ Lieberman, M. (2024). Electric Buses Hit Some Road Bumps, But They’re Still Catching On. Education Week. <https://www.edweek.org/leadership/electric-buses-hit-some-road-bumps-but-theyre-still-catching-on/2024/02>.

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been construction, technology, and equipment purchases. Between the start of the COVID-19 pandemic and 2024, “the average price of school construction in the United States has increased by 32 percent, according to the Bureau of Labor Statistics.”¹³²

122. Accordingly, costs incurred by school systems have risen significantly in the past five years.

D. Summary

123. A review of these challenges reveals the interconnected and compounding nature of these issues. Across the spectrum, a student’s experience in school is affected by circumstances and challenges in different ways and to different degrees. And certainly, no student was exempt from the challenges of the pandemic’s effects on schools. And while these challenges had been around for a decade or more, the escalating costs of operating school systems over the past five years have added another weight to bear on those who work in schools and attend schools.

Section VI. Social Media and Schools

124. To inform my work on this Report, I reviewed several sources regarding the published research on social media and mental health in adolescents (middle- and high-schoolers). I looked at large reports prepared by organizations like the National Academy of Sciences. I also reviewed certain of the Defendants’ expert reports submitted in the MDL in July 2025, which are identified in **Appendix B**. Those reports helped expand my understanding of the conclusions reached in the published literature. Finally, I reviewed some of the studies cited in these various reports to further expand my understanding of how they were discussed in those reports.

A. The evidence as to how social media affects students is unclear and inconclusive.

125. In 2024, The National Academies of Science, Engineering, and Medicine produced a lengthy report, entitled “Social Media and Adolescent Health,” drafted by a committee charged with examining the effects of social media on adolescents. The authors explain, “The committee was asked to recommend a strategy to maximize the benefits and minimize the harms associated with social media use and set out a research agenda to help clarify the ways in which social media use influences physical and mental health.”¹³³

126. The National Academies Report suggests both possible harms and benefits of social media use and cites the research available for both possibilities. Two points are stated repeatedly. First, the research on social media use and adolescent mental health is inconclusive, and second, there are both potential harms and benefits for children and adolescents in the use of social media. While providing little that is conclusive in the research, one important statement is clear: “The committee’s review of the literature did not support the conclusion that social media causes changes in adolescent health at the population level.”¹³⁴ This population-level conclusion is highly relevant to schools, which typically are concerned with addressing population-wide issues that fall within the mission of schools. Schools are less concerned, in contrast, with issues that do not emerge at the population level or fall within the typical

¹³² Cohen, L. (2024). Why is building and renovating schools so expensive? The Maine Monitor. <https://themainemonitor.org/improving-schools-expensive/>.

¹³³ Committee on the Impact of Social Media on Adolescent Health, et al. (2024). Social Media and Adolescent Health. National Academies Press nap.nationalacademies.org/catalog/27396/social-media-and-adolescent-health.

¹³⁴ Committee on the Impact of Social Media on Adolescent Health, et al. (2024). Social Media and Adolescent Health. National Academies Press nap.nationalacademies.org/catalog/27396/social-media-and-adolescent-health.

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remit of schools. For example, schools focus on teaching students to read because learning to read is a priority at the population level and is an integral part of the mission of school systems. On the other hand, curing the epidemic of obesity in the young is not part of the mission of schools, and so schools do not prioritize that.

127. I also understand from reviewing the reports submitted in the MDL that many systematic and literature reviews looking at the literature on social media use and mental health have reached similar conclusions to those expressed in the National Academies Report.¹³⁵ I also understand that individual studies in this field have reached varied conclusions.¹³⁶ Lastly, it is my understanding that, in many cases, the methodologies used in the studies have prevented researchers from drawing any causal conclusions.^{137, 138}

B. Social Media can be beneficial to school systems, educators, students, and parents.

128. Social media can benefit schools and school systems as they serve students and families. Schools have adapted to the pervasive use of smartphones, the internet, and social media and are now making use of these technologies in the classroom.¹³⁹

129. Most school systems use social media, often to a significant degree.

130. An Internet search for “HCPS Facebook” leads to the Facebook page for Harford County Public Schools as one of the top results. A similar search brings up the Facebook page for the Maryland State Department of Education. In fact, the Internet Safety Labs Blog reports, “we tallied how many of the schools in our 2022 EdTech benchmark had Facebook, Instagram or Twitter school accounts. The results are not surprising. 91% of schools studied have one or more Facebook accounts. (Note that

¹³⁵ Report of Defendants' Expert Randy Auerbach (July 9, 2025); Report of Defendants' Expert Alan Berman (July 9, 2025); Report of Defendants' Expert Ian Gotlib (July 9, 2025); Report of Defendants' Expert Sarah Honaker (July 9, 2025); Report of Defendants' Expert Robert Platt (July 9, 2025); Report of Defendants' Expert Matthew Shear (July 9, 2025); Report of Defendants' Expert Stephen Aguilar (July 9, 2025).

¹³⁶ Report of Defendants' Expert Randy Auerbach (July 9, 2025); Report of Defendants' Expert Alan Berman (July 9, 2025); Report of Defendants' Expert Ian Gotlib (July 9, 2025); Report of Defendants' Expert Sarah Honaker (July 9, 2025); Report of Defendants' Expert Robert Platt (July 9, 2025); Report of Defendants' Expert Matthew Shear (July 9, 2025); Report of Defendants' Expert Stephen Aguilar (July 9, 2025).

¹³⁷ Report of Defendants' Expert Randy Auerbach (July 9, 2025); Report of Defendants' Expert Alan Berman (July 9, 2025); Report of Defendants' Expert Ian Gotlib (July 9, 2025); Report of Defendants' Expert Sarah Honaker (July 9, 2025); Report of Defendants' Expert Robert Platt (July 9, 2025); Report of Defendants' Expert Matthew Shear (July 9, 2025); Report of Defendants' Expert Stephen Aguilar (July 9, 2025).

¹³⁸ Report of Defendants' Expert Randy Auerbach (July 9, 2025); Report of Defendants' Expert Alan Berman (July 9, 2025); Report of Defendants' Expert Ian Gotlib (July 9, 2025); Report of Defendants' Expert Sarah Honaker (July 9, 2025); Report of Defendants' Expert Robert Platt (July 9, 2025); Report of Defendants' Expert Matthew Shear (July 9, 2025); Report of Defendants' Expert Stephen Aguilar (July 9, 2025).

¹³⁹ Report of Defendants' Expert Stephen Aguilar (July 9, 2025).

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schools often have more than one Facebook account: one for the marching band, one for the basketball team, etc.) 79% of schools have a Twitter account, and 69% of schools have an Instagram account.”¹⁴⁰

131. A responsible school system would not use social media if it believed social media to be an inherently negative force whose use is harmful for students. It is evident that schools perceive some benefits from social media, which they have attempted to harness. In short, social media platforms allow schools and school systems to use information in ways that are innovative and serve students and families well.

132. Matthew Evans, M.Ed., an experienced educator, currently teaching prospective educators how to integrate technology in their curriculum at the University of San Diego, wrote, “The vast majority of schools and school systems using Facebook is for good reason.” Evans goes on to share:

“Teachers can use social media to organize group projects, communicate with students outside of class, share resources, and much more. Social media also has the potential to connect schools to the wider community for purposes including:

- Sharing school news
- Promoting school events
- Holding virtual town hall meetings
- Advertising fundraising initiatives
- Sending out emergency alerts”¹⁴¹

133. “Since 90% of U.S. adults are also on social media (and many likely access it on their phones), it is an incredibly useful medium for sending real-time communications to parents and guardians of school-aged children.”¹⁴² With the broad use of social media across school systems, school buildings and classrooms, educators must become leaders in this area. Additionally, societal problems with impact on schools can be addressed through social media when school systems collaborate with Parent-Teacher Associations and local health departments. Topics such as the transmission of sexually transmitted infections, dating violence, and youth suicide can be addressed in an anonymous and private manner when social media sites provide relevant and helpful information to both parents and adolescents.

134. Evans goes on to note not just uses for communication and notice but also for making the curriculum more engaging and relevant to students’ lives. “From parent-teacher communications to organizing group projects to developing digital literacy, social media has the potential to enhance the

¹⁴⁰ Labs, I. S. (2023). 42 States vs. Meta: Schools are Unwitting “Pushers” - 91% of Schools Have Facebook Accounts. Internet Safety Labs. <https://internetsafetylabs.org/blog/research/42-states-vs-meta-schools-are-unwitting-pushers-91-of-schools-have-facebook-accounts/>.

¹⁴¹ Evans, M. (2023). Social Media in Education: 13 Ideas for the Classroom. University of San Diego - Professional & Continuing Education. <https://pce.sandiego.edu/social-media-in-education/>.

¹⁴² Evans, M. (2023). Social Media in Education: 13 Ideas for the Classroom. University of San Diego - Professional & Continuing Education. <https://pce.sandiego.edu/social-media-in-education/>.

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curriculum at any grade level — provided it is used responsibly.”¹⁴³ Evans advocates for educators to become experts in the field of technology use including the use of social media. He contends that social media can enhance the curriculum of schools.¹⁴⁴

135. The use of social media has benefits for communication with parents and communities, but also for teaching and learning. For example, teachers can connect with other teachers and share ideas for lesson plans and modules, while students can access educational videos.
136. Overall, social media provides an important avenue for schools to connect with the students, families, and communities they serve, as many schools and educators have realized, as reflected in their widespread use of social media services.

Section VII. Analysis of Harford County Public Schools

137. I have reviewed documents and testimony provided by Harford County Public Schools, as well as publicly available information about the system. Based on my review of these records, I have not seen any evidence showing that the school system’s challenges or significant problems were caused by, or related to, student social media use.

A. Harford County Public Schools Have Faced Numerous Problems Over the Past Decade Resulting in Significant Expenditures

138. I understand on a personal level the challenges the system faces, given my more than two decades of involvement in Maryland school systems. As Harford County Public Schools work to both serve and teach students, they must deal with the mounting costs of operations. And while the Blueprint legislation is providing additional state funding, the law also requires increased local funds to meet the many newly mandated regulations. In January 2022, The Maryland Department of Legislative Services released the report, *Local Fiscal Impact of Implementing the Blueprint for Maryland’s Future*. The report indicated, for example, that during fiscal 2028, Harford County will be required to increase its local appropriation by approximately 3.25 million dollars over current 2028 estimates. This increase will be well above the pre-Blueprint forecasts.¹⁴⁵

1. The COVID-19 Pandemic Had a Significant Effect on Harford County Public Schools

139. The COVID-19 pandemic looms large over any discussion of schools since 2020. Student learning and well-being are at the center of that discussion. In March 2020, Maryland School Systems were closed for two weeks by Governor Hogan and State Superintendent Karen Salmon, to give health and government officials a chance to contain the virus. Little did anyone know that school buildings would

¹⁴³ Evans, M. (2023). Social Media in Education: 13 Ideas for the Classroom. University of San Diego - Professional & Continuing Education. <https://pce.sandiego.edu/social-media-in-education/>.

¹⁴⁴ USA Facts Team (2023). How uneven educational outcomes begin, and persist, in the US. USA Facts. <https://usafacts.org/articles/educational-attainment-outcome-gaps/>.

¹⁴⁵ Burch et al. (2022). Local Fiscal Impact of Implementing the Blueprint for Maryland’s Future. <https://dls.maryland.gov/pubs/prod/educ/localfiscalimpactofimplementingtheblueprintformarylandsfuture.pdf>.

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be closed and students would be isolated at home and served using synchronous virtual and asynchronous video instruction until at least winter of 2021.¹⁴⁶

140. Without a doubt, each of the challenges schools were facing in March 2020 were complicated and accelerated by the pandemic, the responses to it, and its lingering effects. For example, schools suddenly had to ensure that students in need received breakfast and lunch at home. Responding to a student exhibiting emotional struggles through a computer screen and isolated at home required an entirely different response to that a school would have used if the student had been on campus. None of the challenges of poverty, safety, security, student mental health, disparities in learning and academic pursuits went away; the pandemic forced schools to address them in different ways. Additionally, the inflationary pressures that grew as the pandemic receded must also be factored into the equation of the school system's rising operational costs. For school systems, the challenges of staffing schools and filling open positions while working to retain current staff during the pandemic was no small feat.
141. Harford Schools were closed from mid-March 2020 until school ended in June of 2020. The school system also had a tumultuous fall of 2020 with learning centers opening in part during the fall of 2020 but closing completely and returning to all virtual in mid-November.¹⁴⁷
142. Kindergarten through grade 5 finally went back to school two days a week on March 1, 2021, and grades 6 through 12 started on March 15, 2021 for one day per week.^{148, 149} Harford schools continued to increase both the number of days and the number of students attending in-person learning during the spring of 2021.¹⁵⁰ Students, however, had disrupted schedules and attended school both in-person and through virtual classrooms for the rest of the 2020-21 school year.¹⁵¹ By 2023, many studies began to show that extended school closures had a negative impact on student learning and mental health.¹⁵²
143. As with most schools in the country, and all of the systems in Maryland, the pandemic caused almost total disruption to Harford County Public Schools. Technology and connectivity solutions had to be planned and implemented.¹⁵³ The school system ordered almost 30,000 laptops but just two weeks

¹⁴⁶ George, D. S. (2021). Last to return in Maryland, Prince George's County opens its schools. The Washington Post. https://www.washingtonpost.com/local/education/prince-georges-county-maryland-schools-reopen/2021/04/08/8ebdeb2c-972b-11eb-a6d0-13d207adb78_story.html.

¹⁴⁷ Janney, E. (2020). Public Schools Go Back Online After Virus Spike In Harford County. Patch. <https://patch.com/maryland/belair/virtual-learning-return-harford-county-public-schools>.

¹⁴⁸ HCPS_00199774.

¹⁴⁹ CBS Baltimore. (2021). COVID In Maryland: School Reopening Plans For Every District. CBS. <https://www.cbsnews.com/baltimore/news/covid-in-maryland-school-reopening-plans-for-every-district/>.

¹⁵⁰ Janney, E. (2021). Harford County Public Schools Plans 4 Days A Week In-Person. Patch. <https://patch.com/maryland/belair/harford-county-public-schools-plans-4-days-week-person>.

¹⁵¹ Janney, E. (2021). Harford County Public Schools Plans 4 Days A Week In-Person. Patch. <https://patch.com/maryland/belair/harford-county-public-schools-plans-4-days-week-person>

¹⁵² The Annie E. Casey Foundation. (2024). Pandemic Learning Loss and COVID-19: Education Impacts. The Annie E. Casey Foundation. <https://www.aecf.org/blog/pandemic-learning-loss-impacting-young-peoples-futures>.

¹⁵³ Janney, E. (2020). HCPS Virtual Learning Plan Approved by Harford county Board of Education. Patch. <https://patch.com/maryland/belair/hcps-virtual-learning-plan-approved-harford-county-board-ed>.

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before school was to begin in August of 2020 about half had been delivered to the school system.¹⁵⁴ Internet access was provided for almost 400 homes, but parts of the County needed different solutions because of the geography and rural nature of the areas.¹⁵⁵

144. Challenges such as a lack of connectivity and ongoing isolation exacerbated student struggles and required greater levels of engagement by the school system with some families and demanded additional support that was not always obvious. In an email exchange from April 2021, the Maryland State Department asked, “As students have returned to in-person instruction, what have you observed about the social-emotional health of students? How are you addressing what you have observed? Where would you like additional support?”¹⁵⁶ The email thread that followed included issues such as a fear that academic frustration would lead to mental health problems as well as this statement from Stephen Richards, HCPS Supervisor of Psychological Services: “The bulk of the [social-emotional] concern seems to be focused on those students who have not returned to in-person learning/continue to work remotely and those who have basically checked out.”¹⁵⁷ During and for some time after the pandemic, a great deal of attention was paid by educators to student mental health. The problems were consistently attributed to the isolation caused by widespread and often lengthy school closures.
145. An additional email exchange dated January 28, 2021, between Richards, the HCPS Supervisor of Psychological Services, and a community member who worked in health care, was particularly illuminating. Richards shared an article from *The Washington Post* about the impact of school closures on student mental health, and the health professional responded: “I am seeing this every time I go to work... almost every day/night, we have at least one (but often more than one) new patient coming into the emergency department with suicidal ideation and/or attempts. Kids as young as 8-9 years old who are hopeless, sad, and unable to cope with the isolation, so they want to die... and older kids/teens who are self-medicating, actively overdosing, standing in traffic, and trying to find any way to end their lives. They say they miss being in school, seeing their friends and teachers, interacting with peers, participating in sports, and having a reason to get up each day. This is also not just a phenomenon that is impacting families who don't have access to resources. We are seeing families that are desperately trying and have been well-connected with mental health resources, and still, their kids are really struggling. It is truly traumatic and heartbreaking for these families, and there is absolutely a ripple effect...”¹⁵⁸
146. In light of the struggles students were facing, some of the federal pandemic funding was specifically designated for mental health support for students (and to combat learning loss).¹⁵⁹ Indeed, Harford received a number of COVID-19-related grants (for example, under ESSER and the American Rescue

¹⁵⁴ Janney, E. (2020). HCPS Virtual Learning Plan Approved by Harford county Board of Education. Patch. <https://patch.com/maryland/belair/hcps-virtual-learning-plan-approved-harford-county-board-ed>.

¹⁵⁵ Janney, E. (2020). HCPS Virtual Learning Plan Approved by Harford county Board of Education. Patch. <https://patch.com/maryland/belair/hcps-virtual-learning-plan-approved-harford-county-board-ed>.

¹⁵⁶ HCPS_00199774.

¹⁵⁷ HCPS_00199774.

¹⁵⁸ HCPS_00199872.

¹⁵⁹ James, W., Shoemaker DeMio, P. (2024). Lessons From K-12 Education Relief Aid To Improve Federally Funded Programs. Center for American Progress. <https://www.americanprogress.org/article/lessons-from-k-12-education-relief-aid-to-improve-federally-funded-programs/>.

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Plan).¹⁶⁰ The grants, grant applications, and funding reports provide some information about how these funds were used to help Harford County Public Schools mitigate the effects of COVID-19.¹⁶¹

147. As families struggled to support their children and schools tried to keep students engaged, many students simply fell through the cracks created by the pandemic. One significant challenge for public education that worsened during the pandemic was chronic absenteeism. Chronic absenteeism is defined as being absent for 10% or more of school days enrolled. In the 180-day school year, if a student misses 18 or more days for any reason, the student is identified as chronically absent. Many of the students identified as chronically absent are not in school a great deal more than 10% of the school days.¹⁶²

148. According to data from the Maryland State Department of Education, Harford County's 2023 chronic absenteeism rate was 23.4% placing it among the lowest rates in Maryland.¹⁶³ Nonetheless, almost one out of every four students in the system missed 18 or more days during the 2023 school year.¹⁶⁴ The following chart from a Harford slide deck illustrates the spike in chronic absenteeism in Harford County Public Schools associated with COVID-19.¹⁶⁵

¹⁶⁰ See, for example, HCPS_00074789, HCPS_00074784.

¹⁶¹ See, for example, HCPS_00074789, HCPS_00026316, HCPS_00026271, HCPS_00028421, HCPS_00002990 (ESSER II), HCPS_00075106 (ESSER III).

¹⁶² Weger, N. (2025). Thousands of Maryland students are chronically absent each year. Here's what we know. Capital News Service Maryland. <https://cnsmaryland.org/2025/02/27/thousands-of-maryland-students-are-chronically-absent-each-year-heres-what-we-know/>.

¹⁶³ Weger, N. (2025). Thousands of Maryland students are chronically absent each year. Here's what we know. Capital News Service Maryland. <https://cnsmaryland.org/2025/02/27/thousands-of-maryland-students-are-chronically-absent-each-year-heres-what-we-know/>.

¹⁶⁴ Wright, C. (2024). Chronic Absenteeism Trends and Bright Spots. Maryland State Department of Education. https://mgaleg.maryland.gov/meeting_material/2024/jpr%20-%20133500685216383742%20-%20January%2018%20Presentation.pdf.

¹⁶⁵ Harford County Public Schools Staff. (2025). HCPS Student Support Services Attendance and Behavior. Harford County Public Schools. <https://hcps.org/aboutus/docs/organizationalcharts/OrganizationalChartofAdministrationFY2025.pdf>.

HIGHLY CONFIDENTIAL**Figure 3: HCPS Enrollment & Chronic Absenteeism (K-12)¹⁶⁶**

HCPS Enrollment & Chronic Absenteeism (K-12)



149. The State of Maryland does not publish disaggregated data focused on chronic absenteeism for Harford County by student population, but an examination of the data for the state provides some insight into which student populations have the largest share of chronically absent students. While Harford Public Schools' overall rate was 23.4% in 2023, according to a presentation to the Maryland General Assembly by Dr. Wright, State Superintendent of Schools, during that same year, the chronic absenteeism for students in poverty in the state ranged from 37.9% of elementary students to 52.7% of high school students. About four in ten students in kindergarten through grade 8 were absent 10% or more of the time and one of every two high school students were chronically absent. There was a correlation between poverty and school attendance, and that challenge persists today. Wright explained the relationship between the state's rating system (highest performing schools get 5 stars, lowest receive 1) and student attendance. She shared that "Average chronic absenteeism rates range from 61.1% for schools that earned a 1-star rating to 12.6% for schools that earned a 5-star rating in SY 2023." The

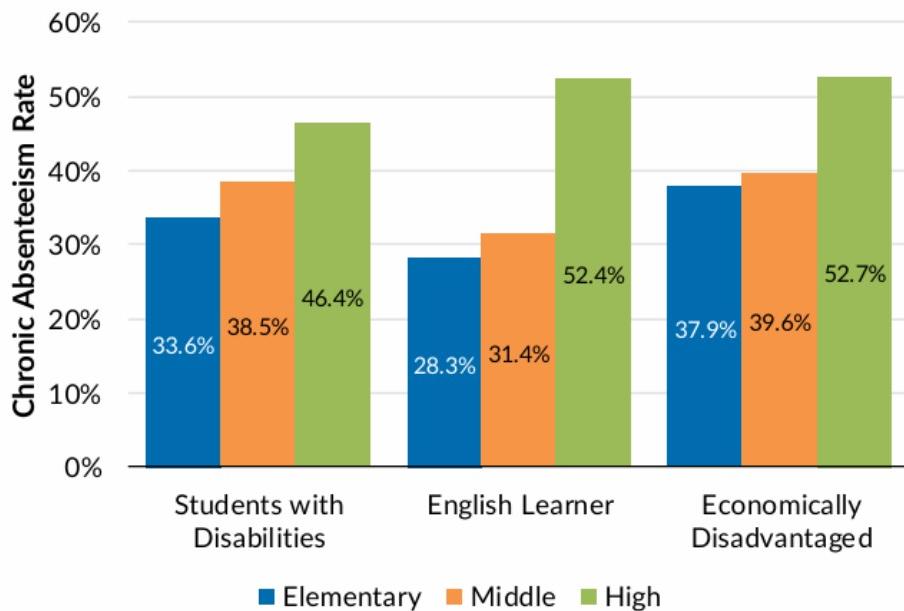
¹⁶⁶ Harford County Public Schools Staff. (2025). HCPS Student Support Services Attendance and Behavior. Harford County Public Schools.

<https://hcps.org/aboutus/docs/organizationalcharts/OrganizationalChartofAdministrationFY2025.pdf>.

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highest performing schools are highly correlated to lower levels of poverty and higher levels of attendance.^{167, 168}

Figure 4: Chronic Absenteeism Rate for Certain Student Populations¹⁶⁹



Information about chronic absenteeism was not included in the Harford County Public Schools Annual Report for 2023-24, which was published in January 2025.¹⁷⁰ That said, a recent presentation published by the Harford County Board of Education does contain some information about chronic absenteeism in Harford County Public Schools, showing a spike in chronic absenteeism during the COVID-19 pandemic, with increased levels continuing through today.¹⁷¹

¹⁶⁷ Wright, C. (2024). Chronic Absenteeism Trends and Bright Spots. Maryland State Department of Education. https://mgaleg.maryland.gov/meeting_material/2024/jpr%20-%20133500685216383742%20-%20January%202018%20Presentation.pdf.

¹⁶⁸ Wright, C. (2024). Chronic Absenteeism Trends and Bright Spots. Maryland State Department of Education. https://mgaleg.maryland.gov/meeting_material/2024/jpr%20-%20133500685216383742%20-%20January%202018%20Presentation.pdf.

¹⁶⁹ Wright, C. (2024). Chronic Absenteeism Trends and Bright Spots. Maryland State Department of Education. https://mgaleg.maryland.gov/meeting_material/2024/jpr%20-%20133500685216383742%20-%20January%202018%20Presentation.pdf.

¹⁷⁰ AnnualReport2023-24.pdf.

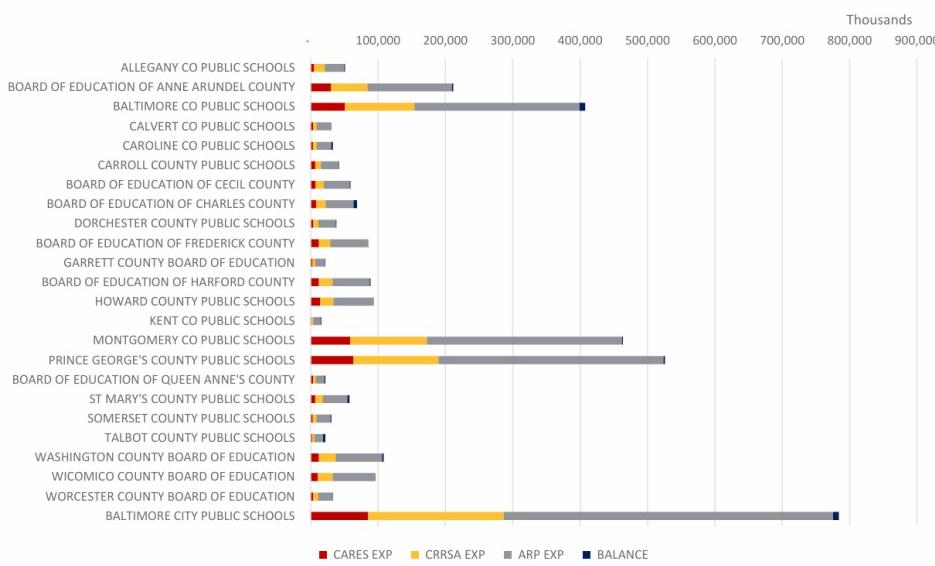
¹⁷¹ Harford County Public Schools Staff. (2025). HCPS Student Support Services Attendance and Behavior. Harford County Public Schools. <https://hcps.org/aboutus/docs/organizationalcharts/OrganizationalChartofAdministrationFY2025.pdf>.

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150. The pandemic clearly had an impact on the Harford County Public Schools. Both local operating funds and federal pandemic related funds were intended to be used to provide technology, air filtering systems, and support for students to mitigate the pandemic's effects on both student mental health and learning. An examination of the Board of Education's Approved Budgets for fiscal years 2021 through 2024 shows that the school system's local operating budget increased by over \$125 million dollars over fiscal year 2020 across the four years.¹⁷² The four years' worth of operating budget funding not including the pandemic funds from the federal government exceeded two billion dollars.¹⁷³

Figure 5: Maryland Schools, COVID Relief Funds and LEA Expenditures¹⁷⁴

COVID RELIEF FUNDS – LEA Expenditures



151. When the federal pandemic funding shown above is included,¹⁷⁵ the amount of funding provided to Harford County Public Schools exceeded 2.5 billion dollars available to provide services to about 38,000 students. Of note is the fact that the number of staff increased from 4,797 in 2020 to 5,426 in 2024, an increase of 629 employees. Conversely, the number of students ranged from 38,445 in 2020 to 38,106 in 2024, representing a net decrease in enrollment.¹⁷⁶

¹⁷² FY21BoardofEducationApprovedBudgetFullDocument.pdf; FY22BoardOfEducationApprovedBudgetFullDocument.pdf; FY2023-BOEs-Approved-Budget.pdf; FY2024-BOEs-Approved-Budget.pdf.

¹⁷³ Harford Plaintiff Fact Sheet.PDF.

¹⁷⁴ Gunning, D. (2025). Update on ESSER Spending and Other Federal Grants. Maryland State Department of Education. <https://marylandpublicschools.org/stateboard/Documents/2025/0225/Review-of-ESSER-Spending-and-Federal-Grants-A.pdf>.

¹⁷⁵ Gunning, D. (2025). Update on ESSER Spending and Other Federal Grants. Maryland State Department of Education. <https://marylandpublicschools.org/stateboard/Documents/2025/0225/Review-of-ESSER-Spending-and-Federal-Grants-A.pdf>.

¹⁷⁶ Harford Plaintiff Fact Sheet.PDF

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152. Given that the pandemic affected every school system in the nation and billions of dollars of local, state, and federal funds were used to continue to provide educational services for students, it is important to look at the challenges that existed before the pandemic and only became more serious and interrelated during and after the pandemic. The level of poverty, for example, in the community and across the families served is essential to an analysis of the school system before, during, and after the pandemic. In 2021, the United States Department of Education identified that 14 out of Harford County Public Schools 55 facilities were high-poverty schools.¹⁷⁷ During that same year, because of the pandemic school closures, it was difficult to accurately report the actual percentage of students in poverty. However, in 2023, Harford reported that 28.6% of its students were identified as economically disadvantaged.¹⁷⁸ As previously noted, economically disadvantaged students are much more likely to be chronically absent from school. The number of economically disadvantaged students in a school has an effect on the school and all of the students in the school. Poverty affects the number and type of support staff and instructional staff and the strategies and practices the staff use. And support for student mental health is a critical aspect of the work that is done for students in poverty and in high poverty schools.

2. Harford County Public Schools Experienced Poverty-Related Issues Before the Pandemic, and These Issues Were Exacerbated During and After the Pandemic, Requiring Additional Resources

153. It is also important to look at the related challenges that existed before the pandemic and only became more serious and interconnected during and after the pandemic. The challenges associated with poverty, for example, in the community and across the families served is essential to an analysis of the school system before, during, and after the pandemic. Poverty-related challenges were one of the most significant factors affecting the Harford County Public Schools long before the pandemic, and it continues to be a significant factor today. In fact, the FY2024 Approved Harford Budget identified the following:

“Two of the most important changes in demographics correlating to student achievement are poverty and language proficiency. Both groups of students are considered Academically at Risk if they require frequent special instruction and/or support to reach the levels of academic achievement needed in the information age. Generally, the most reliable measure of poverty in school systems is the number of students eligible for free and reduced price lunches (FaRMS). For the 2022 – 2023 school year, students were eligible for free and reduced-price meals if their household annual income did not exceed \$51,338 for a family of four. The total number of students eligible for free and reduced-price meals as of October 31, 2022, was 13,890, an increase of 2,300 from the previous year.”¹⁷⁹

154. Responding to the needs of economically disadvantaged students is embedded in Maryland’s Blueprint for the Future. Harford County is engaged in creating community schools and continuing to develop plans to use Concentration of Poverty grants provided through Blueprint legislation funding.¹⁸⁰

¹⁷⁷ MD-ARP-ESSER-High-Poverty-Schools-by-LEA-1-1.pdf.

¹⁷⁸ US News Staff. (2023). Harford County Public Schools. US News.

<https://www.usnews.com/education/k12/maryland/districts/harford-county-public-schools-112490>.

¹⁷⁹ FY2024-BOEs-Approved-Budget.pdf.

¹⁸⁰ Blueprint for Maryland’s Future Staff. (2024). Providing Resources to Schools and Communities in Need.

Blueprint for Maryland’s Future. <https://blueprint.marylandpublicschools.org/community-schools/>.

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As of July 1, 2024, Harford had 16 schools that receive Concentration of Poverty Grants and are therefore considered “community schools.” According to the Maryland State Department of Education, “Community schools promote positive, equitable outcomes by providing students and families with the physical and mental health, academic, and extracurricular support needed to thrive. Community schools serve as hubs that bring families, communities, and partners together to remove barriers to learning. Using an asset-based approach, community schools strive to strengthen connections to generate improved student outcomes.”¹⁸¹

155. One of the most significant aspects of the poverty-related work being done in Harford County and across Maryland is the support services provided pursuant to the Blueprint for the Future. In its FY 2024 budget, Harford County Public Schools explained that it was engaged in “Community Schools programming, in partnership with the Title I Office and Student Services, focused on supporting 11 Concentration of Poverty schools through the Blueprint for Maryland’s Future grant program by: assessing families’ needs; building before and after school programs; designing learning opportunities for family and community members; and increasing access to health and wellness support for families. The focus of Community Schools is to make the school a hub of community activity, addressing the needs of students and their families, with the goal of increasing students’ attendance and school performance.”¹⁸²
156. Still, it is clear that working to alleviate the challenges of students in poverty has a significant impact on Harford County Public Schools and that Harford County Public Schools understands that it devotes significant student services toward addressing poverty-related issues and needs.

3. Harford County Public Schools Also Face Numerous Other Challenges Requiring Significant Expenditures, Including Crime, Violence, and Other Threats to Health and Well-being

157. Crime, violence, and other threats to health and well-being still pose significant challenges to the school system and undercut efforts to support students’ mental health and academic progress, and to maintain a positive climate in each school.
158. In October 2018, Harford County Public Schools Student Services administrators and the principal of the alternative high school discussed on an email thread the need to separate known gang members when they were together in the same evening program. For those believed to be the most “dangerous students,” parental supervision was required, while the students were in the school facility.¹⁸³ This shows the kinds of concerns Harford County Public Schools have long had to contend with.
159. In April 2022, Dr. Bulson, Superintendent, presented during a system meeting focused on safety and security. During the meeting, Dr. Bulson asked the following question: “As we continue working to create a safer environment for everyone, what else should we consider?”¹⁸⁴ He recorded more than 60 responses of ideas and suggestions about actions that could be taken to enhance safety and security. The ideas referenced included mental health, resource officers, student discipline practices, parenting and many other topics. When sending the ideas to his staff, Dr. Bulson wrote in an email: “These are

¹⁸¹ Blueprint for Maryland’s Future Staff. (2024). Providing Resources to Schools and Communities in Need. Blueprint for Maryland’s Future. <https://blueprint.marylandpublicschools.org/community-schools/>.

¹⁸² FY2024-BOEs-Approved-Budget.pdf, page 181.

¹⁸³ HCPS_00226861.

¹⁸⁴ HCPS_00339224.

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the responses from last month's survey in my presentation. I suspect there are pretty similar themes in your research but maybe there are new thoughts here.”¹⁸⁵ It is noteworthy that in the long list of ideas and suggestions, neither social media nor cell phones were included as areas of concern.

160. In 2024, a student was shot and killed in a Harford County Public High School. Two boys were arguing in a bathroom, and one pulled a gun out of his backpack and shot the other. The 16-year-old who shot the other student was charged with first- and second-degree murder, first- and second-degree assault, use of a firearm in the commission of a felony/crime of violence, and possession of a firearm as a minor.¹⁸⁶ The trial for the student accused of the murder began in May 2025. *CBS News* reported that “The fatal shooting at Joppatowne High School prompted fierce calls for increased security in schools. Some members of the community and the board of education called for Harford County Public Schools Superintendent Dr. Sean Bulson to resign.”¹⁸⁷ As this incident tragically shows, the murder of a student in a high school bathroom and other issues such as threats and gangs have been the focus when it comes to safety and security in schools, not social media.

4. Violence, Poverty, and the Pandemic Are Having Direct Impacts on Student Learning in Harford County Public Schools, and Significant Investments Have Been Made to Address Them

161. Poverty and violence (compounded by the effects of COVID-19) have a significant impact on student learning and are significant barriers to student academic progress and achievement.

162. Examining student achievement data for students in poverty provides insight into overall academic progress in the school system. Under the heading “Unique School Designations,” Harford County provides information about the literacy and mathematics progress in schools that have the highest percentages of students in poverty. The data show that each school has no more than about four in ten students meeting or exceeding grade level learning standards. To be blunt, that means that only about thirty-to-forty out of every one hundred students are progressing through the system successfully in reading, writing, and speaking. In math, only about twenty-to-forty students out of every one hundred are progressing through computation, application and mathematical reasoning successfully. Significant amounts of money are spent to address this issue.¹⁸⁸ In the FY2024 Approved Budget, Harford County has a Title I budget of 6.1 million dollars for math and literacy instruction in addition to the general operating funds, grants, and other restricted funds that will be used to support the nine Title I schools in the school system.¹⁸⁹

163. While the pandemic had an impact on student achievement and academic progress, the school system struggled to make gains before the arrival of COVID in 2020. An examination of Harford’s Bridge to Excellence Master Plan for 2019 revealed that for students in poverty, the academic

¹⁸⁵ HCPS_00339224.

¹⁸⁶ Tucker, M., Adeolu, A. (2024). Teen faces multiple charges after fatal Harford County school shooting. CBS Baltimore. <https://www.cbsnews.com/baltimore/news/teen-faces-multiple-charges-after-fatal-harford-county-school-shooting/>.

¹⁸⁷ Lockman, J. M. (2025). Opening statements underway in trial for teen accused in deadly Harford County high school shooting. CBS News. <https://www.cbsnews.com/baltimore/news/maryland-joppatowne-school-shooting-trial-harford-county/>.

¹⁸⁸ Harms, M. B., Garrett-Ruffin, S. D. (2023). Disrupting links between poverty, chronic stress, and educational inequality. *Npj Science of Learning*, 8(1), 1–6. <https://doi.org/10.1038/s41539-023-00199-2>.

¹⁸⁹ FY2024-BOEs-Approved-Budget.pdf, p. 296.

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achievement levels were comparable to 2023-24 levels. While the same assessment measures were not being used, 2017 student data were used in the Master Plan update. Of the students in poverty in grades three through five, the report showed that 28.9% met or exceeded the standards in literacy and 27% of students in poverty in grades six through eight met or exceeded the learning standards.¹⁹⁰

164. Since the Blueprint for Maryland's Future became law in 2021, both the County and the state have poured hundreds of millions of dollars into the effort to increase achievement and promote academic progress, and the work to increase student achievement.

165. The Blueprint for Maryland's Future is increasing funding in Harford County Public Schools, and the revenues directed at all five pillars of the program are intended to impact student learning by (A) enhancing the teaching profession, (B) introducing pre-kindergarten for all, (C) creating community schools in areas with high concentrations of poverty, and (D) offering high-quality career and college readiness programs. The fifth pillar, accountability, certainly plays a significant role in each of the other areas, and funding is tied to schools demonstrating progress. The goal, through improved instruction and care for student mental and physical health, is to achieve higher levels of learning and to better prepare students for the next step after high school graduation. Harford County Public Schools are receiving additional funding to raise student achievement. The funding will come from local and state tax revenues and, according to the 2022 report entitled Local Fiscal Impact of Implementing the Blueprint for Maryland's Future, Harford County is generally on track to meet the fiscal requirements the state is placing on local governments.¹⁹¹

5. Other Factors That Have Increased Expenditures for Harford County Public Schools Include Inflation, Changes in Staffing Requirements and Needs, and State Legislation

166. In addition to the challenges discussed above, the Harford County school system faces other challenges that have less direct impacts on students but still drive up costs. High levels of inflation from 2021 to 2024, challenges in recruiting, hiring, and retaining staff, and increased regulations all have an effect on the budget.

167. Some Maryland entities have recognized the costs of inflation for schools. For example, the Maryland Association of Counties reported that the Department of Legislative Services (DLS) report entitled "Local Fiscal Impact of Implementing the Blueprint for Maryland's Future," issued in January of 2022 (based on cost projections from August of 2021), was inaccurate. Specifically, the Association stated that the inflation-driven economic changes from 2021, when the report was written, were not being taken into consideration by DLS. And in September 2024, the Association's leaders wrote, "the Blueprint costs to local governments ballooned by more than a quarter billion dollars in that time, even while enrollment dropped by nearly 20,000 students."¹⁹²

168. School construction, maintenance and upkeep costs have been driven up substantially by inflation. An example of the impact of inflation on school construction in 2023 is the cost of two high schools in a nearby Maryland school system. A high school rebuild in Montgomery County situated to the southwest of Harford County was estimated to cost \$125 million to build in 2019, but a smaller and

¹⁹⁰ FY19StrategicAndMasterPlan.pdf.

¹⁹¹ Burch et al. (2022). Local Fiscal Impact of Implementing the Blueprint for Maryland's Future.

<https://dls.maryland.gov/pubs/prod/educ/localfiscalimpactofimplementingtheblueprintformarylandsfuture.pdf>.

¹⁹² Sample, S. (2024). A Look at the Blueprint by the Numbers. Maryland Association of Counties: Conduit Street.

<https://conduitstreet.mdcounties.org/2024/09/11/a-look-at-the-blueprint-by-the-numbers/>.

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diminished plan for the school was estimated at \$196 million in 2023. A second high school rebuild increased from an estimated \$138 million to \$203 million in the same construction budget forecast.¹⁹³ Such increases also affect renovations, technology updates, and regular maintenance projects like new roofs and energy efficiency projects.¹⁹⁴

169. Another driver of costs in Harford County Public Schools is staffing. School systems spend a great deal of time, energy, and money hiring and retaining the necessary staff for teaching and learning activities, as well as operational necessities like transportation, food service, technology, maintenance, and so forth. Between the 2008-2009 and the 2018-2019 school years, the number of people completing a teacher-education program declined by almost a third in Maryland. And as a state that needs to import teachers trained in other states to fill its needs, Maryland has struggled to attract enough teacher candidates to meet the demand. The state had about 2,000 educator vacancies in September 2021. A school system pays from \$9,000 to \$21,000 per teacher for the separation, recruitment, hiring, and training each time it posts and fills a vacancy.¹⁹⁵
170. A statistic that the state of Maryland tracks and reports is the teacher retention rate for local school systems. Given the high cost of teacher turnover, the retention of teachers can either drive up costs in a system or drive them down. In the spring of 2024, the Maryland State Department of Education reported that Harford County Public Schools had 2684 teachers and an attrition rate of 10.2%. The range of attrition rates across all school systems in Maryland went from a low of 6.8% to a high of 18.1%.¹⁹⁶ In addition to the cost of replacing teachers, school systems also must recruit and onboard new staff members across all other departments.
171. An additional driver of costs in Harford's school system is the introduction of new local, state, and federal initiatives and mandates. While the Blueprint for Maryland's Future legislation clearly mandates a massive increase in revenues for the school system, it also has the potential to increase costs significantly. At the end of the 2025 legislative session in Maryland, the General Assembly was forced to delay a major element of the Blueprint Plan, the mandated collaborative time for teachers. Collaborative time is additional time provided to teachers to plan lessons, learn about instructional strategies, review student progress, and so forth. The Maryland Association of Counties identified that the only way to ensure the time is consistently available is by hiring more teachers. The Association estimates that it will cost an average of \$1,150 per student per year in 2020 dollars, costing more than

¹⁹³ Stewart, L. (2023). Opinion: Don't delay Montgomery County school construction any longer, it's time for a progressive recordation tax increase. Maryland Matters. <https://marylandmatters.org/2023/04/22/opinion-dont-delay-montgomery-county-school-construction-any-longer-its-time-for-a-progressive-recordation-tax-increase/>.

¹⁹⁴ Harford County Public Schools, Comprehensive Maintenance Plan (2022), https://www.hcps.org/departments/docs/Operations/Comprehensive_Maintenance_Plan_2022.pdf; Olaniran, C. (2025). Data breach prompts increased cybersecurity for Baltimore City Public Schools, State's Attorney's office. CBS Baltimore. <https://www.cbsnews.com/baltimore/news/baltimore-city-public-schools-cybersecurity-breach-maryland/>.

¹⁹⁵ Choudhury, M. (2022). Maryland's Teacher Workforce: Supply, Demand, and Diversity. Maryland State Board of Education. <https://www.marylandpublicschools.org/stateboard/Documents/2022/0726/TabGBlueprintAndDataDeepDiveTeacherPipelineAndDiversity.pdf>.

¹⁹⁶ Choudhury, M. (2022). Maryland's Teacher Workforce: Supply, Demand, and Diversity. Maryland State Board of Education. <https://www.marylandpublicschools.org/stateboard/Documents/2022/0726/TabGBlueprintAndDataDeepDiveTeacherPipelineAndDiversity.pdf>.

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40 million dollars per year in Harford County.¹⁹⁷ While Governor Moore's FY2026 budget delayed the mandated collaborative time for teachers by four years, the legislature ultimately reduced that to a three-year delay, even though the entire plan has no permanent dedicated funding stream.¹⁹⁸

172. Other mandates that may increase costs for Harford County Public Schools include the acquisition and transition to electric school busses¹⁹⁹ and other green energy initiatives, such as the Decarbonizing Public Schools Program.²⁰⁰ The efforts to increase the use of green energy technology and transition away from traditional fuels are driving up school system operational costs across the United States, Maryland, and Harford County. Every dollar spent on operations, however critical, will not be used to support academic progress and student mental health and well-being.

6. Summary of Problems Affecting Harford County Public Schools and Associated Challenges

173. While school systems, including Harford County Public Schools, have faced challenges across the decades, the Covid-19 Pandemic exacerbated and intensified those challenges. Every aspect of how a school operated had to be rethought with significant adjustments made for more than a year from March 2020 until September of 2021. And even during the 2021-22 school year, the challenges resurfaced, and new problems emerged requiring educators to manage both internal logistics and operations and external conflict in the community and beyond. While the Pandemic created havoc for educators and the families and students they serve, none of the other longstanding challenges facing the district went away; in fact, many of them increased in severity. For example, the disparities that students in poverty and students of color experience in achievement increased.²⁰¹

174. Additionally, while safety and security problems in schools disappeared when school buildings were closed, the problems came back with intensity when buildings reopened.²⁰² And academic progress for both students who were struggling and for those who were accelerated was diminished.²⁰³

¹⁹⁷ Sanderson, M. (2025). Q&A: How Does the “Collaborative Time” Proposal Alter School Funding? Maryland Association of Counties: Conduit Street. <https://conduitstreet.mdcounties.org/2025/01/24/qa-how-does-the-collaborative-time-proposal-alter-school-funding/>.

¹⁹⁸ Hogan, J. (2025). Moore enacts first major Blueprint update but says “we did not go far enough.” Maryland Daily Record. <https://thedailyrecord.com/2025/05/09/moore-maryland-blueprint-education-updates/>.

¹⁹⁹ The Office of Governor Wes Moore. (2025). Governor Moore Announces Launch of Major New Grant Program to Expand Statewide Use of Electric School Buses. Government of Maryland <https://governor.maryland.gov/news/press/pages/governor-moore-announces-launch-of-major-new-grant-program-to-expand-statewide-use-of-electric-school-buses.aspx..>

²⁰⁰ Slowey, K. (2024). Maryland awards \$24 million for public school energy projects. The Construction Broadsheet. <https://theconstructionbroadsheet.com/maryland-awards-million-for-public-school-energy-projects-p1840-174.htm>.

²⁰¹ The Annie E. Casey Foundation. (2024, June 10). *Pandemic Learning Loss and COVID-19: Education Impacts*. The Annie E. Casey Foundation. <https://www.aecf.org/blog/pandemic-learning-loss-impacting-young-peoples-futures>.

²⁰² Robinson, L. et al. (2025). School Safety Concerns and Solutions: A Qualitative Analysis of U.S. School Psychologists’ Perspectives. *Behavioral Sciences*, 15(2), 228–228. <https://doi.org/10.3390/bs15020228>

²⁰³ The Annie E. Casey Foundation. (2024). Pandemic Learning Loss and COVID-19: Education Impacts. The Annie E. Casey Foundation. <https://www.aecf.org/blog/pandemic-learning-loss-impacting-young-peoples-futures>.

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At every turn, students and families, schools, and educators were profoundly challenged by the impact of COVID-19 and by the challenges schools were facing prior to the pandemic. And even though pandemic relief money was provided by the federal government starting in 2021, double digit inflation, staffing challenges, supply chain issues, and a demanding regulatory environment all came together in a perfect storm.

B. The Harford County Public Schools' Records Contain Minimal Discussion of Social Media, Especially Prior to 2023

175. Educators across the country have considered the role of social media (and phones) in school, and many are engaged in the conversation. While cell phone use is by no means the same as *social media* use, a growing number of school systems across the country have banned or are moving restrict the use of cell phones during the school day.²⁰⁴ A number of states also have taken action and others are joining the movement to legislate bans or restrictions.²⁰⁵

176. As indicated above, this Report is focused specifically on *social media* use by students in Harford County Public Schools and the response by that school system to the student use of social media. It is critical not to conflate cell phone use for all purposes with social media use by children and adolescents. This Report, therefore, provides an overview of the Harford School Public Schools' response (to the extent it exists) to student use of social media and any effects of social media on Harford schools. It also considers any actions taken by Harford County Public Schools related to student social media use and the impact of that use on student behavior and well-being. Additionally, the Harford school system's own use of social media will be examined. To complete a systematic analysis of what has actually taken place in Harford County Public Schools, this review will look at a range of actions and activities typically found in school systems. Policy and procedure discussions and actions will be noted, and the communications to and from the school system leadership will be analyzed. Harford County Public Schools' operational actions and events as well as safety and security challenges will also be noted. Finally, any use of system resources and changes in budgets due to social media concerns will be analyzed.

1. Harford County's Policy Regarding Communication Devices Was Not Updated Between 2013 and 2024, and Is At Odds with Harford County Public Schools' Claims Concerning Social Media

177. The Harford County Board of Education, the governing body of elected members that establishes policy, adopts budgets, and settles disputes for the school system, has a policy entitled Portable Communication Devices. The policy was first adopted on 6/11/1990 and subsequently amended 7/8/1991, 6/10/1996, 6/9/1997, 11/26/2001, 8/14/2006 7/29/2013, and it was most recently amended on 3/18/2024. The policy applies to Personal Communication Devices (PCDs), Personal Listening Devices (PLDs), and Wearable Communication Devices (WCDs). The Policy Statement reads as follows:

“PCDs, PLDs, and WCDs may serve as an outstanding instructional tool and learning resource if used appropriately and under the direction of the teacher or with teacher permission. We support our school staff members and our students to use electronics and

²⁰⁴ De La Rosa, J. (2025). More than Half of Public School Leaders Say Cell Phones Hurt Academic Performance. National Center for Education Statistics. https://nces.ed.gov/whatsnew/press_releases/2_19_2025.asp.

²⁰⁵ Demillo, A. (2025). Banning cellphones in schools gains popularity in red and blue states. AP News. <https://apnews.com/article/school-cell-phone-bans-states-e6d1fe8ddfd33f086d5cd2a19f4c148>

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other 21st century devices to supplement instruction and learning. However, it has been proven that students who are on PCDs, PLDs, or WCDs when it is not part of the instructional lesson are not fully engaged in learning. In order to preserve the teaching and learning environment, this document is to clarify the cell phone/portable communication devices policy for Harford County Public Schools.”²⁰⁶

178. The policy goes on to provide an extensive list of problematic and disruptive activities in which students might engage. Only one of those activities can be potentially related to social media, “cyber-bullying.” Importantly, cyber-bullying can take place without any social media engagement whatsoever, and bullying is a challenge that schools and students faced long before the advent of smartphones or the internet. The fact that the system did not update the Portable Communication Devices policy for eleven years (between 2013 and 2024) is noteworthy, given that the Harford School System claims social media has been causing substantial problems in schools and classrooms since at least 2017-18. Additionally, the list of non-social media disruptions that are identified is significant, and those disruptions exist apart from social media.²⁰⁷ The policy lists forbidden activities a second time, with a clear statement indicating that all such uses of a “device for unlawful purposes and/or in a manner that violates this policy will be subject to disciplinary action.”²⁰⁸
179. In a review of the Harford Plaintiff Fact Sheet that was provided by the school system, in the section entitled, “SCHOOL POLICIES FOR ELECTRONIC DEVICES, INTERNET, AND SOCIAL MEDIA USE,” a question is asked about “students’ use of the internet or social media on school property from the 2017-2018 school year to present.”²⁰⁹ School system officials responded that, they *have* taken action in response to social media.
180. However, that action—to update the Portable Communication Devices policy—was taken on March 18, 2024, after at least eight years of dealing with claimed cell phone and social media problems according to Harford Schools.²¹⁰ Nonetheless, Harford indicated that, “The Office of Elementary, Middle and High School Performance works closely with all departments of Harford County Public Schools to facilitate the implementation of policies and procedures as it relates to the daily operation of each school building and the impact of that operation on administrators, teachers, students, parents and the surrounding community, county and state.”²¹¹ The 2013 policy continued to be implemented in schools until 2024, while the school system stated, “plaintiff believes the injury occurred at least as far back as 2017-18 school year.”²¹²
181. Additionally, in March 2024, the policy document was adopted with the following language: electronic devices “may serve as an outstanding instructional tool and learning resource if used appropriately and under the direction of the teacher or with teacher permission. We support our school staff members and our students to use electronics and other 21st century devices to supplement

²⁰⁶ HCPS_00122261.

²⁰⁷ HCPS_00122261.

²⁰⁸ HCPS_00122261.

²⁰⁹ Harford Plaintiff Fact Sheet.PDF.

²¹⁰ HCPS_00122261.

²¹¹ FY19EducationServices.pdf.

²¹² Harford Plaintiff Fact Sheet.PDF.

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instruction and learning.”²¹³ According to Harford County Public Schools, nothing has been codified about student use of personal electronic devices off campus or staff use either on or off campus.²¹⁴ The school system’s failure to revise the policy and procedures undermines their claims that social media was a significant issue in the district. In my experience, when a school system faces an issue that it believes is not adequately addressed under existing policies, it adopts new or revised policies and accompanying procedures to address that issue. The failure to update a policy to address an issue suggests that the issue was not especially significant.

2. Internal Harford County Public Schools Documents Suggest that School Administrators Did Not View Student Social Media Use as a Significant or Widespread Concern

182. A noteworthy record related to the perceived seriousness of the issue of Harford County social media use by students was found in an email exchange dated October 19, 2021, between two members of the Harford County Public Schools’ central administration. The HCPS Manager of Family and Community Partnerships asked the Manager of Communications: “Can you offer a suggestion of an administrator that is savvy with social media, what students are doing on social media (the challenges, etc.)? I’d like it if we could offer a Parent Academy Real Talk on Social Media 101 for parents.”²¹⁵ The Manager of Communications’ response was as follows:

“Brad Spence is the only one that comes to mind. He researches and stays up to date on the newest social media platforms, etc. I don’t know any administrators who fit what you’re looking for in the case of understanding what students are doing/the challenges. Brad is an advocate of social media, though- he will say it’s the minority of students who don’t use social media properly... just so you know where I think he’ll go with the narrative. Other administrators who come to mind in terms of social media, only come to mind because they’re active on social media; not that they are using it strategically.”²¹⁶

The implied concern about where Mr. Spence might “go with the narrative” suggests that the system wanted to provide parents with a particular viewpoint, rather than provide them with accurate information from a person who spends every day with students, understands what is actually happening in schools, and who will say, “it’s the minority of students who don’t use social media properly...”²¹⁷ While offering a parent information session on any topic can be worthwhile, it is critical that school systems give accurate information that reflects the complexity and nuance inherent in a topic rather than a preferred narrative.

183. Harford County Public Schools administrators testified that they agree that social media has benefits for students.²¹⁸

3. As Recently as the 2024-25 School Year, Harford County Public Schools Documents Include Positive References to Social Media and Encourage the

²¹³ HCPS_00122261.

²¹⁴ Harford Plaintiff Fact Sheet.PDF.

²¹⁵ HCPS_00465459.

²¹⁶ HCPS_00465459.

²¹⁷ HCPS_00465459.

²¹⁸ Transcript of Deposition of Sean Bulson, 210:7-213:7; Transcript of Deposition of Donoven Brooks, 126:2-127:9.

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Use of Social Media in Certain Circumstances, Which Are At Odds With the County's Public Statements About This Lawsuit

184. In the 2024-25 Parent-Student Handbook Calendar, Harford County Public Schools encourages all members of the school community to follow the school system on Facebook, X, Instagram and YouTube, and includes the following text:

“Website & Social Media — The school system’s website, www.hcps.org, offers information to meet the needs of parents and guardians, students, staff, and the general community. The “Parents” tab at the top of the homepage includes links to useful information such as the registration process, immunization requirements, and resources for parents and guardians. The website and app serve as quick resources to the most requested information. Follow us on Facebook (@HCPSchools), X (@HCPSchools), Instagram (@HCPS_schools) and YouTube (@HCPSchools)!”²¹⁹

This statement seems to be contradictory to the lawsuit that Harford has filed because of the harms Harford County Public Schools claims are affiliated with student social media use. The school system also created a “Social Media Guide: Tools to Connect with Your Community.”²²⁰ While the document is not dated, it appears to have been created in 2018.²²¹ The document is still available on the HCPS website.²²²

185. Additionally, Jillian Lader, Harford County Public Schools’ Manager of Communications, sent links to “Welcome/Back to School” video messages from Superintendent Bulson on August 15, 2023, for the 2023-24 school year. The message was sent to all of the leadership and communications staff in the system, including the Board of Education members. No mention was made of the negative effects of social media. Instead, staff members were encouraged to promote and use social media across the system and in schools. For example, Ms. Lader wrote, “We hope you'll follow HCPS and your individual school on social media (Facebook, Instagram, Twitter, and YouTube) for updates throughout the year. After you review the Back to School information on hcps.org, use our new email, AskHCPS@hcps.org for any questions.”²²³ Both the reoccurring calendar message and the 2023 directive from Ms. Lader contradict the lawsuit that Harford has filed asserting that Harford has faced harms resulting from student social media use. The school system also produced a “Social Media Guide: Tools to Connect with Your Community.” While the document is not dated, it appears to have been created in 2018. The document is still available on the HCPS website.²²⁴

²¹⁹ 2024-2025 Parent-Student Handbook Calendar.PDF. The 2022-2023 version of the Handbook Calendar has similar language, and also has a “2023-2024 Back to School Checklist” the first item of which encourages parents and students to “Find us on Facebook, follow us on Twitter and Instagram, and see us on YouTube.”

HCPS_00130689, at HCPS_00130720.

²²⁰ HCPS_00324925_Social Media Tip Sheets_2017-18.pdf.pdf.

²²¹ HCPS_00517365_00014801_RE_Wednesday Learning Camps 2018.msg.pdf.

²²² See Harford County Public Schools. (2024). Policy Title: Student Behavior Interventions – Use of Physical Restraint and Exclusion. Harford County Public Schools.

<https://www.hcps.org/webfiles/WebFilesHandler.ashx?id=6350>

²²³ HCPS 00048089.

²²⁴ WebFilesHandler.ashx.

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186. During that same time, Harford was offering Leadership Training for administrators to learn about the newly created “Social Media Guide, we have designed,” as a staff member wrote in an email exchange. The staff member continued: “There’s a ‘Get Started’ and a ‘Tips’ page for Facebook, Twitter and Instagram. We’ve also included how to utilize analytics, so staff can better understand whether they’re accomplishing their goals by using social media. I’ve attached so you can review and see if you agree that it would be beneficial for the session.”²²⁵

187. Additional uses of social media by the Harford School system, as of March 25, 2024, can be found in The Plaintiff Fact Sheet.²²⁶ The document asked the following question. “Has your district incorporated the use of any of Defendants’ platforms in its curriculum since the 2017-2018 school year? Choose your answer (Yes/No):” Harford County Public Schools responded “YES” and provided an extended list of uses of the platforms in the system in the document on page 23.²²⁷ Superintendent Bulson testified that Harford County Public Schools encourages the use of YouTube in the classroom, and parts of the District’s curriculum include YouTube videos as recommended and approved resources.²²⁸

188. At an Executive Leadership Team Meeting on March 16, 2023, the leadership of Harford County Public Schools had a conversation about YouTube. Provided here is a record of the Agenda Item:

“YouTube/Student Device Use (HK) - - - - Recent position/action taken by YouTube concerning accessibility to certain content by children under 13 have resulted in Technology discussions surrounding the acceptable access to YouTube and devices at the elementary level. Discussion was had around best practice, and potential impact to teachers if filters were put in place at all elementary schools. Schools are asking for guidance and pushback has been received by stakeholders around this topic. The discussion ended by reaching consensus that teachers and other key stakeholders should be engaged to obtain feedback before any change in practice is made. The need to ‘strike the right balance’ is the goal. A plan of action is TBD.”²²⁹

While not enough information is provided to know exactly what the situation entailed involving YouTube, it is interesting that the leadership of the system decided to gather more information and feedback in order to “strike the right balance.” Moreover, the district’s Parent-Student Handbook Calendar has, since the 2021-2022 calendar, specifically stated that “YouTube is utilized as an instructional tool for HCPS students.”²³⁰ Those Parent-Student Handbook calendars all note that “YouTube is set to Restricted Mode on HCPS issued devices and through the HCPS network. Restricted

²²⁵ HCPS_00517365_00014801_RE_Wednesday Learning Camps 2018.msg.pdf.

²²⁶ Harford Plaintiff Fact Sheet.PDF.pdf/

²²⁷ Harford Plaintiff Fact Sheet.PDF.pdf.

²²⁸ Transcript of Deposition of Sean Bulson 137:5-138:7.

²²⁹ HCPS 00009831.

²³⁰ 2014_6852.pdf at p. 5; HCPS_00130689; HCPS_00130694; HCPS_00019338; HCPS_00019343; 2024-2025 Parent-Student Handbook Calendar.PDF. The 2024-2025 Handbook Calendar states that “YouTube is utilized as an instructional tool for HCPS students in Grades 3-12.” A 2024 email from the school system’s Supervisor of Mathematics Curriculum, Instruction, and Assessment gives examples of how YouTube is used in the district: Teachers used YouTube for “counting songs” in kindergarten, a teacher had a YouTube channel where she “posts ‘how-to’ videos for teachers to view,” and “Some secondary courses have a few YouTube videos.” HCPS_00410283.

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Mode is a setting controlled by YouTube algorithms to hide potentially objectionable content. HCPS continues to monitor, evaluate, and update YouTube settings to minimize access to inappropriate content.²³¹ In other words, HCPS recognized there was some possibility that students could access inappropriate content on YouTube, but opted to use YouTube as an instructional tool notwithstanding that risk.

189. Just weeks after the March 16, 2023 meeting, Harford County Public Schools joined litigation against selected social media companies. In an unrelated matter, on April 17, 2023, after the YouTube discussion by the system leadership, the superintendent gave a report at a board meeting about the county budget proposal. The superintendent stated that the proposed funding by the county executive on behalf of the county government, “is the worst-case scenario for HCPS.”²³² It is worth noting again that just weeks later, the system joined litigation against selected social media companies.

190. Indeed, the school system’s positive or neutral statements regarding social media are at odds with the public statements it has issued concerning social media in news media coverage of this lawsuit: “The lawsuit alleges that the platforms are both addictive and exploitative in nature, and make it difficult for the school system to provide adequate mental health resources to its body of nearly 40,000 students.”²³³ A statement by the school system said: “The algorithms driving these platforms are designed to exploit young users’ brains in a way comparable to nicotine use to manipulate users into staying on the platform as long as possible. The social media platforms hijack tweens’ and teens’ compulsion to connect and feel accepted.”²³⁴ A reasonable school system that believed the social media platforms were causing these harms to students would not (1) encourage students and parents to follow the system on social media and (2) use those platforms as an instructional tool.

4. Harford County Public Schools Documents Relating to Mental Health Initiatives Do Not Reference Social Media or Do So in Positive Terms, and Harford Budgets Have Limited Mentions of Mental Health or Social Media

191. In 2019, Christian Walker, the 2019-20 Student Member of the Board of Education, sent Superintendent Bulson information as a follow up to a Student Advisory Council Meeting. Board Member Walker had presented proposed mental health initiatives generated by students²³⁵ to Mr. Hennigan, the Executive Director of Student Support Services, and wanted the superintendent to have the ideas prior to the next Student Advisory Council Meeting.²³⁶ The ideas ranged from training for faculty, staff and students to student forums to peer helper programs. There is no mention of social media as a problem to be addressed; rather, it was presented as a vehicle for a campaign for communicating the list of available mental health resources to students.²³⁷

²³¹ 2014_6852.pdf at p. 5; HCPS_00130689; HCPS_00130694; HCPS_00019338; HCPS_00019343; 2024-2025 Parent-Student Handbook Calendar.PDF.

²³² superintendents report transcript _4.17.pdf.

²³³ Olaniran, C. (2023). Harford County Public School files lawsuit against social media giants. CBS Baltimore. <https://www.cbsnews.com/baltimore/news/harford-county-public-school-files-lawsuit-against-social-media-giants/>.

²³⁴ Olaniran, C. (2023). Harford County Public School files lawsuit against social media giants. CBS Baltimore. <https://www.cbsnews.com/baltimore/news/harford-county-public-school-files-lawsuit-against-social-media-giants/>.

²³⁵ HCPS_00164401.

²³⁶ HCPS_00164400.

²³⁷ HCPS_00164401.

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192. Additionally, the students identified what they had learned from the conversation about mental health resources in Harford County Public Schools. The information provided by students could have been instructive to the adults in the system as they made decisions about how to proceed. A summary of the student learnings included the following:

“WHAT WE LEARNED

- There is a major stigma among students in regard to seeking help from a school counselor
- There are plenty of existing resource for students, but they are not being effectively promoted
- Students have a strong desire to communicate their concerns about stress and mental health with teachers and administrators, and in return wish for teachers and administrators to communicate openly with them
- Students desire a shift in how messages about mental health and counseling appointments are relayed to social media and text messages, respectively”²³⁸

193. These conclusions were based on student feedback and reported by students to Superintendent Bulson and the Executive Director of Student Support Services. Students met again with the superintendent the following week at the upcoming Student Advisory Council meeting that is referenced in the email message. The students clearly stated, “There are plenty of existing resources for students, but they are not being effectively promoted.”²³⁹ In response to the perceived lack of resources, students proposed the creation of a social media campaign to raise awareness of available mental health resources. When asked if he opposed the creation of this campaign, Superintendent Bulson testified, “To my recollection, not at all. I mean, it’s certainly something I would have supported.”²⁴⁰ Superintendent Bulson also testified that he was aware of “no concern raised [by others] about such a campaign.”²⁴¹

194. Two documents that are particularly relevant to social media and mental health in Harford County Public Schools are the Plaintiff Fact Sheet²⁴² and the Wellness Needs Assessment Analysis²⁴³ for the 2023-2024 School Year. The questions, with answers, were submitted on June 14, 2024. While the connection may not seem immediately clear, the two reports intersect at several points. Questions 26 and 27 in the Plaintiff Fact Sheet are focused on school system resources and how the school system budget and expenditures have been affected by student use of social media and the need for additional mental health services.²⁴⁴ Those questions are copied below:

²³⁸ HCPS_00164401.

²³⁹ HCPS_00164401.

²⁴⁰ See Transcript of Deposition of Sean Bulson at 110:4-115:23.

²⁴¹ See Transcript of Deposition of Sean Bulson at 115:25-116:9.

²⁴² Harford Plaintiff Fact Sheet.PDF.pdf.

²⁴³ HCPS_00046480 - 2023-2024 Wellness Needs Assessment Analysis.pdf.

²⁴⁴ Harford Plaintiff Fact Sheet.PDF.pdf.

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26. Do you possess any existing report, survey, analysis, study or other document that provides an overview of or describes known expenditures and anticipated future expenditures made by your District, related to youth mental health?

Choose your answer (Yes/No): No _____

27. Do you possess any existing report, survey, analysis, study or other document that provides an overview of or describes known costs incurred or damages sought as a result of any harms to your district which you attribute to social media?

Choose your answer (Yes/No): No _____

195. Given that, according to Harford County Public Schools, the problems caused for students and the school system by social media have allegedly been occurring since at least the 2017-18 school year, it is unreasonable that no records exist that document these issues, the responses to the issues, and the costs associated with the responses. School system annual budgets in Maryland begin on July 1 each year and end on June 30. Each budget covers only one fiscal year. The state requires that each school system keep accurate and specific records related to expenditures. After the fiscal year ends on June 30, school systems must close their financial record for the year, conduct an annual audit, and submit required documents to the state by September 30.

196. In response to Question 38, focused on mental health services, the records provided by Harford County below are incomplete. The record should show the number of referrals and number of students served separately for each year. They could also show data by school level. There would be no danger to student privacy or confidentiality and would not “require review of underlying individual student records” to disaggregate the data to some degree and provide a clear, complete picture of what took place each year.²⁴⁵ But the response to that question does not include that information. When information is provided in this manner by a school system, it is reasonable to question the accuracy of the information. Additionally, the absence of data for 2020-21 is difficult to understand. Schools in Harford were operating digitally until school buildings began to open in March 2021, and yet the entire year is missing data. Certainly, students must have been referred and served in 2020-21, both when schools were operating digitally and then as they moved to in person services for the last quarter of the year. For 2023-24, the system was able to produce the data until February 2024, when the information was pulled to complete Plaintiff’s Fact Sheet.²⁴⁶ Question 38, and Harford’s answer, are as follows:

“VIII. SOCIAL-MEDIA AND MENTAL HEALTH SERVICES AND PROGRAMS
Question 38. Describe the portion of your student body receiving mental health services in your district and how it has changed over time since the 2017-2018 school year, including approximate numbers and percentages if available in any existing report, survey, analysis, study or other document that provides an overview of or describes student mental health services. Note: This question is not designed to require review of underlying individual student records.”²⁴⁷

²⁴⁵ Harford Plaintiff Fact Sheet.PDF.pdf.

²⁴⁶ Harford Plaintiff Fact Sheet.PDF.pdf.

²⁴⁷ Harford Plaintiff Fact Sheet.PDF.pdf.

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Data is kept for those students referred to School-Based Mental Health Services. Each school has a partnership with at least one outpatient mental health clinic to provide therapy to students during the school day, at the request and with the permission of families. This program has grown over time from five partnering agencies providing services throughout the district to the current number of fourteen. Typically, students referred for these school-based services encounter significant barriers accessing such services after school hours.

In general referrals and or students served have been tracked since the 2018-19 school year:

2018-19: 1031 referrals

2019-20: 484 referrals

2021-22: 693 referrals

2022-23: 1,116 students received services

September 2023-February 2024: 848 referrals 514 students receiving services

Each provider is asked to complete a monthly form showing referrals received from each assigned school as well as current students receiving services.

Plaintiff reserves the right to supplement this response as discovery continues.

197. The response to Question 40 about any “district-wide task force” identifies just two workgroups, both of which apparently met for the first time in the 2023-2024 school year.²⁴⁸ The feedback report of the behavioral issues workgroup identifies a number of issues and potential “Next Steps,” none of which are related to social media.²⁴⁹ The description of the attendance taskforce does not identify social media as being an issue relating to attendance.²⁵⁰ Question 40, and Harford’s answer, are as follows:²⁵¹

Question 40. “Have you formally proposed, formed, or participated in any district-wide task force, other program, or group to address behavioral issues, bullying, absences, substance abuse, mobile device use, addiction, and/or vaping? Choose your answer (Yes/No): _____ If yes, identify the name of any such program(s), what student issues were addressed, and the approximate dates of the district’s participation in the task force, group, or program.” Harford responded “YES” and provided the following information:

Behavioral issues – A workgroup met several times over the course of the 23-24 school year. The feedback report is attached and can be shared. This group was made up of several stakeholders including teachers, administrators, counselors, and central office staff.

Attendance – An attendance taskforce met several times over the course of the 23-24 SY. This workgroup was made up of central office staff, community school coordinator, pupil personnel worker, and members of our communications office. Discussions revolved around the following: making videos of students sharing the positive rewards/benefits gained from regular school attendance, providing clear guidance on steps for school staff to take in order to address student absences, and recommendations for best practices for use of the new attendance dashboard.

Plaintiff reserves the right to supplement this response as discovery continues.

198. Harford’s response to Question 42 of the Plaintiff Fact Sheet raises other questions. Question 42 reads: “Does your district use or provide any materials to students, parents, teachers, or staff regarding the potential risks or adverse effects of using electronic devices, the internet and/or social media? Choose your answer (Yes/No): _____ If yes, provide a copy and identify the document(s) responsive

²⁴⁸ Harford Plaintiff Fact Sheet.PDF.pdf.

²⁴⁹ Summary of Behavior Workgroup Feedback_.pdf No. 40.

²⁵⁰ Harford Plaintiff Fact Sheet.PDF.pdf.

²⁵¹ Harford Plaintiff Fact Sheet.PDF.pdf.

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to this question.”²⁵² Harford responded ‘YES’ and provided a list of four events between 2017 and 2025. The response includes the following:

The HCPS Parent Academy has hosted several workshops on the topic:

February 21, 2024 Effects of Screen Time and Children’s Mental Health

Parent Academy Real Talk: Social Media: <https://www.youtube.com/watch?v=6W2I6RFrKYw>
(This is a YouTube video that we cannot download and attach)

August 17, 2022 – A community Town Hall: Safety and Security Town Hall, discussed Social Media with parents: <https://hcn.viebit.com/player.php?hash=ViAhtnzOClWk> - video also attached as an Exhibit.

Parent Guidance Workshop: Bullying - Stop the Cycle (social media discussed)

Plaintiff reserves the right to supplement this response as discovery continues.

199. Question 47 of the Fact Sheet asked about whether the school system conducted surveys related to “mental health issues in the district and the causes of those issues?” Harford responded “NO” to this question, yet in response to Question 38 of Plaintiff’s Fact Sheet, information was provided about treatment referrals and services although it was incomplete. Additionally, in 2024 Harford County Public Schools released the Wellness Needs Assessment Analysis (WNAA).²⁵³ The WNAA, reviewing the results of the survey, was released at the same time as the Harford Plaintiff Fact Sheet, March 2024. The WNAA includes the following overview:

“The Harford County Public Schools (HCPS) Division of Student Support Services (SSS) is prioritizing the well-being and wellness of its students. In the 2023-2024 school year, SSS administered a Wellness Needs Assessment (WNA) to all students in grades 3-12.”

The overview continued:

“These results can serve as valuable insights to guide school and district planning initiatives, aiding in the prioritization of support for students, families, and teachers. The HCPS Wellness Needs Assessment aimed to gain a better understanding of the well-being and wellness (physical and mental wellness) of each student. Through this understanding, HCPS seeks to enhance students' overall school experience. To support this priority, the HCPS Department of Research and Program Evaluation has collaborated with the HCPS Division of Student Support Services and Hanover to complete an analysis of the student responses of the 2023 - 2024 Wellness Needs Assessment.”²⁵⁴

200. The WNAA’s Key Objective clearly has a focus on Mental Health, Social Emotional Wellbeing, and Climate, Culture, and Support, but it does not address social media. The Key Objective includes the following:

²⁵² Harford Plaintiff Fact Sheet.PDF.pdf.

²⁵³ HCPS 00046480.

²⁵⁴ HCPS 00046480.

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Through an analysis of closed-ended responses, this report addresses the following research questions:

- What are areas of strength and areas for continued growth, as it relates to the following constructs:

- Social/Emotional Wellbeing
- Learning Skills and Habits
- Elementary Climate and Culture
- Secondary Climate, Culture, Support, and Mental Health
- Physical Health and Activity
- Personal Care”
- Healthy Outcomes From Positive Experiences (HOPE)²⁵⁵

201. Question 47 on the Plaintiff Fact Sheet asks whether the system has data on the “number of students with reported mental health issues . . . and the possible causes of those issue.” While Harford responded “NO” to this question, the WNAA provided significant information and data points related to the question. One of the most interesting statistics is that 86% of secondary students in grades 6 through 12 report that they “do not have any concerns over their mental health or emotional well-being” while 91% report being bored often or sometimes at school. And only 37% of secondary students report that they like their school.²⁵⁶

202. The Key Findings section of the WNAA, which informs the school system about why students might be struggling with their lived experience in school and how to begin to take appropriate action, was particularly informative. It stated as follows:

“While most students report strong, supportive relationships with family and friends, needs assessment responses indicate that students struggle with regulating their emotions and engaging at school. For example, while most students agree they can treat others with acceptance and respect, only half of the students can explain their feelings to others or calm themselves down when stressed”²⁵⁷

This is one of the most salient findings in the analysis. “Additionally, a significant number of students experience boredom at school, with nearly all students citing feeling bored often (54%) or sometimes (37%),” which suggests a need for more “engaging and stimulating activities or curriculum to reduce boredom and enhance positive emotions.”²⁵⁸ This means that out of every 100 students in Harford County Public Schools, 91 reported feeling bored often or sometimes. This finding should drive questions and deep discussion about the content of the educational program being provided, how it is provided and received, and what do Harford staff intend to do to change this situation on behalf of student mental health, learning, and well-being.

203. It is critical to emphasize that the WNAA was not focused on social media and includes extensive information about students’ experience in schools that could explain their struggles, entirely separate from social media. Indeed, the WNAA and other documents undermine the claims in the Plaintiff Fact Sheet that social media was having a widespread and significant negative effect on Harford schools, mainly because these Harford documents do not actually reference social media, let alone frame it as a significant problem.

²⁵⁵ HCPS 00046480.

²⁵⁶ HCPS 00046480.

²⁵⁷ HCPS 00046480.

²⁵⁸ HCPS 00046480.

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5. Discussions of Social Media in Harford County Public Schools Documents Generally Refer to Content on Social Media

204. My understanding is that Plaintiffs' primary theory of injury is that the Defendants "fostered compulsive use of their platforms[,] which foreseeably caused [Harford County Public Schools] to respond by expending resources to mitigate the impact of such use in [its] schools."²⁵⁹ My review of the evidence provided by Harford County Public Schools has not revealed any specific resource expenditures relating to the alleged "compulsive use" of Defendants' platforms.

205. As discussed further above in Sections VII.B.1-4, the contemporaneous documents (budgets, reports, planning materials) provided by Harford County Public Schools do not support the claim that social media posed a serious concern for the school system or led the school system to expend significant resources. Moreover, to the extent there is any support for the idea that Harford faced issues relating to social media use, it is clear that they flow from content (e.g., cyberbullying and the amplification of negative messages from third parties, not compulsive use).²⁶⁰

6. The Absence of Reports and Analyses Identifying Claimed Harms Relating to Social Media Undermines Harford County Public Schools' Claims That Responding to Social Media Is a Major Factor in Its Schools

206. In response to several questions on the Plaintiff Fact Sheet, relating to whether the County had assessed the effects of social media through surveys, reports, or other analyses, Harford responded "No." In my experience in school administration, it would be typical to conduct analyses of significant and systemic issues that create problems for students and significantly increase schools' costs. The absence of such documents in Harford suggests to me that the issues Harford claims were due to social media either did not exist or were due to other factors, like those discussed above (COVID, student poverty, violence, etc.).

207. Those questions are as follows:

Question 48. "Do you possess any existing report, survey, analysis, study or other document that provides an overview of or describes the prevalence of the harms associated with student social media use in your district, including associated mental health issues and classroom disruption?" Harford answered, "No."²⁶¹

Question 50. Do you possess any existing report, survey, analysis, study or other document that provides an overview of or describes the prevalence of social media use in your district and/or the impact of social media use in your district?" Harford responded "NO" to this question.²⁶²

²⁵⁹ Order Granting in Part and Denying in Part Defendants' Motion to Dismiss the School District and Local Government Entities' Master Complaint, *In re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, 4:22-md-03047-YGR, ECF 1267 (Oct. 24, 2024).

²⁶⁰ See, for example, Harford County Public Schools, *Cybersafety: A Guide for Parents and Students*, <https://www.hcps.org/community/cybersafety/docs/cybersafetybrochure.pdf>, HCPS_00465459; HCPS_00130689; HCPS_00130694; HCPS_00019338; HCPS_00019343; 2024-2025 Parent-Student Handbook Calendar.PDF.

²⁶¹ Harford Plaintiff Fact Sheet.PDF.pdf.

²⁶² Harford Plaintiff Fact Sheet.PDF.pdf.

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Question 53. Do you possess any existing report, survey, analysis, study or other document that provides an overview of or describes interventions, discipline, or other consequences imposed on students for using social media on school premises?" Harford responded, "No."²⁶³

208. Again, in my experience in school administration, it is not plausible that Harford Public Schools would not have at least some reports or analyses of the effects of social media on its students and schools if social media were having widespread effects on the schools.

7. Summary of Discussion of Social Media in the Harford County Public Schools' Records

209. The Harford County Public Schools records I reviewed contained relatively limited information about social media. Many discussions of social media in the records are positive. This is consistent with my experience as a superintendent in Maryland, where I served until 2021. While there was a great deal of concern about student mental health before and during the pandemic, I did not encounter concerns (or have concerns myself) that student mental health concerns were linked to social media use. Social media was generally perceived to be a positive tool for connection during that time.

210. To conclude, I have not seen evidence in the Harford County documents that social media has been the cause of the system spending significantly more money. The places where the system has asserted it has been spending money as a result of social media (e.g. adding staff to support student mental health) appear to have not originally been linked in any way to social media and were only linked after this lawsuit was filed.

Section VIII. Rebuttals of Plaintiffs' Expert Reports

A. Rebuttal to Plaintiffs' Expert Brian Osborne's May 16, 2025 Opinions

1. Dr. Osborne's Claims Are at Odds with History and Evidence

211. Dr. Osborne claims that, "[h]istorically, public education has been a unifying institution, where young people learn to navigate differences and collaborate for the common good," but social media is now "shaping student behaviors in ways that disrupt focus, safety, and well-being, forcing leaders to divert time and resources from instruction, equity, and culture to crisis management and damage control."²⁶⁴ He also claims that "student social media use significantly undermines the ability of schools, school districts, and educational leaders to fulfill their core responsibilities in multiple ways."²⁶⁵ This claim is at odds with history and the evidence.

212. Public education's effective functioning was a topic of discussion and concern long before social media or cell phones appeared in this country. The school experience, beginning with prekindergarten and culminating at the completion of high school, must prepare the student for a first good step into adult life. Research has shown that the variability among schools, across classrooms, and in educator

²⁶³ Harford Plaintiff Fact Sheet.PDF.pdf.

²⁶⁴ Report of Plaintiffs' Expert Brian Osborne (May 16, 2025), at ¶¶ 109-110.

²⁶⁵ Report of Plaintiffs' Expert Brian Osborne (May 16, 2025), at ¶ 64.

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practice can be one of the most important factors in whether or not students are successful.²⁶⁶ All of these considerations pre-date social media.

213. An examination of public education since 1945 and the end of World War II, completely debunks the idea, implied in Dr. Osborne's claims, that public schools were adequately achieving their goals prior to the advent of social media, only for social media to disrupt a functioning system. History shows there have been profound shifts and fractures in society over the past 75 years that have impacted schools. Consider:

- *Brown v. Board of Education* and segregated schools²⁶⁷
- Sputnik and the Cold War with the Soviet Union²⁶⁸
- The Civil Rights Act and Title I²⁶⁹
- A Nation at Risk and lagging academic standards²⁷⁰
- No Child Left Behind and the exposure of academic and opportunity gaps for student populations²⁷¹

Any reasonable understanding of the history of public education from 1950 to the present shows that Dr. Osborne's unsupported assertion that social media has disrupted school functioning is wholly inaccurate. Social media and cell phone use are not the cause of public education's failure to effectively function when it does not do so. Persistent systemic issues have been a much greater consideration for schools during this time period.

2. Dr. Osborne's Claim That Social Media Has Negatively Affected School Leadership and Diverted Leadership Attention Lacks Evidence

214. Dr. Osborne states:

“In every public school system, there are essential responsibilities that principals and superintendents must carry out to meet their professional obligations, fulfill their

²⁶⁶ Kokkinou, E., Kyriakides, L. (2022). Investigating differential teacher effectiveness: searching for the impact of classroom context factors, *School Effectiveness and School Improvement*, 33:3, 403-430, DOI: 10.1080/09243453.2022.2030762.

²⁶⁷ National Archives Staff. (2024). *Brown v. Board of Education*. National Archives. <https://www.archives.gov/milestone-documents/brown-v-board-of-education>.

²⁶⁸ Office of the Historian, Foreign Service Institute Staff. (2025). *Sputnik*, 1957. Office of the Historian, Foreign Service Institute. <https://history.state.gov/milestones/1953-1960/sputnik>.

²⁶⁹ U.S. Department of Education. (2020). Title I. U.S. Department of Education. <https://www.ed.gov/laws-and-policy/laws-preschool-grade-12-education/title-I>.

²⁷⁰ National Commission on Excellence in Education. (1983). *A Nation at Risk: The Imperative for Educational Reform*. The University of Chicago Press. <http://www.jstor.org/stable/1001303>.

²⁷¹ The White House Archives: President George W. Bush. (2002). *The Bush Record - Fact sheet: No Child Left Behind has Raised Expectations and Improved Results*. The White House Archives: President George W. Bush. <https://georgewbush-whitehouse.archives.gov/infocus/bushrecord/factsheets/No-Child-Left-Behind.html>.

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contractual roles, and comply with legal and policy expectations. When school leaders are unable to fulfill these functions due to persistent external disruptions, such as those introduced by social media, they are prevented from doing their jobs as required to support school operations.”²⁷²

Dr. Osborne also references The Professional Standards for Educational Leaders (the PSEL Standards) in support of this claim.²⁷³ The PSEL Standards begin with this statement: “Effective educational leaders develop, advocate, and enact a shared mission, vision, and core values of high-quality education and academic success and well-being of each student.”²⁷⁴ Dr. Osborne’s claim that “leadership capacity” has been “reduced” or “diverted” by social media,²⁷⁵ is not supported by any evidence or data and ignores the essential elements of the jobs that school leaders fulfill. I worked closely and regularly with over 200 principals serving more than 165,000 students in Montgomery County, Maryland, from 2016 to 2021, and worked with all of the Maryland school systems and over 1,400 schools in the state while serving as the Chief Academic Officer at the Maryland State Department of Education from 2013 to 2016. Dr. Osborne’s statement does not accurately reflect educational leaders’ significant efforts to support schools and students.

215. Principals and superintendents have been responsible for providing a “high-quality education” since the establishment of schools in the United States, and “academic success” is at the core of that high-quality education.²⁷⁶ Over time, more emphasis has been placed on the well-being of each student because well-being is connected to academic success. Though Dr. Osborne references the PSEL Standards, he ignores their central tenet—academic success. Certainly, given the increase in the number of public schools and public school systems, and the increased complexity of the urban, suburban, and rural landscape since the mid-1800s, the number and range of school leadership tasks have increased. While the leadership standards have been revised, the essential elements of the standards have not.²⁷⁷

216. Given these areas of purpose, the tasks of the principal and superintendent almost all fall within the area of instructional leadership. Teacher and staff supervision and evaluation, student discipline, leading special education processes (and planning student programming) are all deeply connected to student learning. Curriculum implementation and the instructional and assessment cycle of teaching, checking for durable and deep understanding, assessing comprehension and application, and then teaching the next set of content by connecting it to prior learning, are essential to being an instructional

²⁷² Report of Plaintiffs’ Expert Brian Osborne (May 16, 2025), at ¶ 35.

²⁷³ Report of Plaintiffs’ Expert Brian Osborne (May 16, 2025), at ¶¶ 18, 36.

²⁷⁴ National Policy Board for Educational Administration Staff. (2015). Professional standards for educational leaders. National Policy Board for Educational Administration. https://www.npbea.org/wp-content/uploads/2017/06/Professional-Standards-for-Educational-Leaders_2015.pdf.

²⁷⁵ Report of Plaintiffs’ Expert Brian Osborne (May 16, 2025), at ¶¶ 34, 81, 105.

²⁷⁶ National Policy Board for Educational Administration Staff. (2015). Professional standards for educational leaders. National Policy Board for Educational Administration. https://www.npbea.org/wp-content/uploads/2017/06/Professional-Standards-for-Educational-Leaders_2015.pdf.

²⁷⁷ National Association of Secondary School Principals. (2017). What the New Educational Leadership Standards Really Mean. National Association of Secondary School Principals. <https://www.nassp.org/publication/principal-leadership/volume-16-2015-2016/principal-leadership-may-2016/what-the-new-educational-leadership-standards-really-mean/>.

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leader. These areas of expertise are not new, and resources to prepare educational leaders continue to be used to develop the expertise of future leaders.

217. Dr. Osborne provides no evidence or data to support his claim that resources are being diverted from these essential and long-standing functions of school leaders. In a review of the principal preparation master's degree programs being offered at University of Maryland, College Park, there is no reference to social media in the program descriptions or the course of study.²⁷⁸
218. Between 2016 and 2021, as the Superintendent of Schools, I offered many sessions for administrators in Montgomery County Public Schools about the roles and duties of superintendents and other system-wide leaders. The sessions, entitled, "So You Want to be a School System Leader," were optional, and principals and others in administrative roles signed up and committed their own time to attend. During the numerous evening sessions I led, I do not remember a single discussion, comment, or question suggesting that social media was an important aspect of the work of school and school system leaders. Nor do I recall any concern being expressed about school resources being diverted because of social media. During the 2020-2021 school year, buildings were closed due to COVID-19 precautions. With school buildings closed, I met with system administrators, principals, and others in hundreds of digital meetings. There was extensive talk about learning loss, student mental health due to isolation, and operational issues, as we tried to reopen schools. The only comments about social media were expressions of appreciation from administrators for teachers' creative use of different social media platforms and technology applications to connect with students and support student learning, as well as appreciation and acknowledgement of educators for engaging students in interesting work and keeping them connected with one another and with educators.
219. Not all instructional leadership activities are explicitly instructional in nature (i.e., principals are responsible for ensuring clean classrooms and fixing broken windows). Students learn more and better in well-maintained environments, and teachers are more effective when they are not concerned about leaks in the ceiling. Attention to operational aspects of the role of administrator are central to being an instructional leader. Dr. Osborne would have us believe that social media and cell phone use are keeping school leaders from doing their jobs through a "disruption of effective educational leadership."²⁷⁹ That is not accurate. Society, technology, and circumstances all change regularly and have been changing since the first principal and superintendent were named almost two centuries ago.
220. School and system leaders should be teachers in all settings, whether in a student discipline conference, a professional learning session, a discussion with athletic coaches, or a parent meeting. Claiming that the job of leading a school and vigorously pursuing student progress is not possible because of yet another shift in this everchanging world is to provide another excuse for students not learning, rather than being committed to teaching students the relevant skills for their future. Teaching is the business of instructional leaders, and learning is the purpose. Dr. Osborne is ignoring the real problem: variability across leaders in their skills, knowledge, and understanding. That variability is

²⁷⁸ UMD College of Education Staff. (2024, October 2). Leadership and Policy. UMD College of Education. <https://education.umd.edu/academics/programs/leadership-and-policy>.

²⁷⁹ Report of Plaintiffs' Expert Brian Osborne (May 16, 2025), at ¶ 108.

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considerable.²⁸⁰ Dr. Osborne's contention that "student use of social media is making it more difficult for school and district leaders to meet their core responsibilities"²⁸¹ is not logical.

221. On a related topic, Dr. Osborne also states that social media has "created an unrelenting set of disruptions that redirect leadership time and energy away from their core duties and toward managing emotional, reputational, operational and safety fallout."²⁸² However, Dr. Osborne offers no data or evidence about the specific amount of time and resources spent by school systems to deal with purported social media-driven issues of mental health and school climate. Moreover, this claim is at odds with my own experience overseeing the work and operations of Maryland schools.
222. Most administrators in public education work long days and long weeks. Dr. Osborne's assertion, however, that because of social media, school administrators do not have time to fulfill "essential duties,"²⁸³ is unfounded. In 2023, Education Week, one of the most widely read publications in the profession, published an article about the biggest challenges in public education. Social media was not mentioned.²⁸⁴ It is inconceivable that an organization like Education Week, which wants to engage readers in its content and tries to drive the conversation among educators, would not mention a topic that—according to Dr. Osborne—is preventing school administrators from doing their jobs.
223. While the claim that school administrators are not able to do their jobs because of social media use by students is without merit, public schools have been adding a great many administrative positions. "From 1992 to 2009, students' numbers increased 17 percent whereas administrators and other non-teaching staff rose 46 percent. And during that time, some states actually lost students yet kept hiring more non-teachers."²⁸⁵ This trend started well before social media existed. Education Week provided insight into the numbers of school administrators added since 2010. "School systems employed 89,000 district-level employees classified as "officials and administrators" in 2022, a 37% increase from 2010, according to the most recent federal data."²⁸⁶ Meanwhile, pre-K-12 public school enrollment increased from 49.5 million in 2010 to 50.8 million in 2019, before dropping back to 49.6 million in 2022, and that decline is projected to continue."²⁸⁷ Dr. Osborne's claim that the most "common leadership challenge . . . is the struggle to find time to fulfill their essential job responsibilities due to the pervasive

²⁸⁰ Quintero, D., Levesque, E. M., Valant, J., & Hansen, M. (2018). 2018 Brown Center Report on American Education: Trends in NAEP math, reading, and civics scores. Brookings. <https://www.brookings.edu/articles/2018-brown-center-report-on-american-education-trends-in-naep-math-reading-and-civics-scores/>.

²⁸¹ Report of Plaintiffs' Expert Brian Osborne (May 16, 2025), at ¶ 110.

²⁸² Report of Plaintiffs' Expert Brian Osborne (May 16, 2025), at ¶ 5.4

²⁸³ Report of Plaintiffs' Expert Brian Osborne (May 16, 2025), at ¶ 97.

²⁸⁴ Langrelo, L. (2023, January 18). 5 Big Challenges for Schools in 2023. Education Week. <https://www.edweek.org/leadership/5-big-challenges-for-schools-in-2023/2023/01>.

²⁸⁵ Perry, M. J. (2013). Chart of the day: Administrative Bloat in US Public Schools. American Enterprise Institute. <https://www.aei.org/carpe-diem/chart-of-the-day-administrative-bloat-in-us-public-schools/>.

²⁸⁶ National Center for Education Statistics Staff. (2022). Staff employed in public elementary and secondary school systems, by type of assignment: Selected school years, 1949-50 through fall 2022. National Center for Education Statistics. https://nces.ed.gov/programs/digest/d23/tables/dt23_213.10.asp?current=yes.

²⁸⁷ Blad, E. (2025). Do Districts Have "Administrative Bloat"? This State May Let the Public Decide. Education Week. <https://www.edweek.org/leadership/do-districts-have-administrative-bloat-this-state-may-let-the-public-decide/2025/05>.

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and growing problems associated with social media use by students”²⁸⁸ is unsubstantiated. Being a principal, assistant principal, or district administrator can and should be a demanding role. Taking care of other people’s children and being doggedly determined that they learn what they need to be successful in school and life is critical for both the students’ future and the future of this country. The most common leadership challenge is the variability in skill, motivation, and efficacy of the adults in the profession.

3. Dr. Osborne Fails to Address Other Factors Relevant to Schools, Including In Harford County Public Schools

224. In addition to failing to offer evidence of any kind about social media driven issues of mental health, Dr. Osborne ignores the many other factors in society, and in and around schools, that research says can affect mental health or wellbeing. Certainly, the pandemic still looms large over questions of student mental health, as discussed above in Section V.1. Additionally, as also discussed in Sections V.2 and V.3, the perennial issues of poverty and safety, security, and health that students face are factors that can impact student mental health today. Academic challenges and the persistent academic disparities that some student populations deal with are important issues that can affect mental health and well-being, as outlined in Section V.4. And conversely, a segment of the student population experiences extensive academic pressure to achieve and reports struggling with mental health concerns. Dr. Osborne’s report entirely ignores all of these concerns.
225. Dr. Osborne also asserts that social media has contributed to increased “routine discipline issues.”²⁸⁹ Once again, no evidence is provided to support the claim. At the national level, as recently as 2023, the U.S. Department of Civil Rights Report on student discipline and school climate did not reference social media threats or disaggregate threats by separating those involving social media from other types of threats.²⁹⁰ In a document submitted by Harford County Public Schools, the question is asked, “Do you possess any existing report, survey, analysis, study or other document that provides an overview of or describes interventions, discipline, or other consequences imposed on students for using social media on school premises? Choose your answer (Yes/No).” Harford responded “NO.”²⁹¹ The fact that a school system claiming to have dealt with social media problems and harms since at least 2017 has no data about the issue undermines the district’s claim that social media is a concern for the district.²⁹²
226. Dr. Osborne’s expert report also states that school systems are dealing with ever-more disciplinary issues caused by social media, including theft and vandalism.²⁹³ It is critical to note, when Harford County Public Schools was asked, “Do you possess any existing report, survey, analysis, study or other document that provides an overview of or describes known costs incurred or damages sought as a result of any harms to your district which you attribute to social media?”, Harford County Public Schools

²⁸⁸ Report of Plaintiffs’ Expert Brian Osborne (May 16, 2025), at ¶ 55.

²⁸⁹ Report of Plaintiffs’ Expert Brian Osborne (May 16, 2025), at ¶¶ 67.

²⁹⁰ U.S. Department of Education Office for Civil Rights Staff. (2023). Student Discipline and School Climate in U.S. Public Schools. U.S. Department of Education Office for Civil Rights.

<https://www.ed.gov/media/document/crdc-discipline-school-climate-reportpdf-21409.pdf>.

²⁹¹ Harford Plaintiff Fact Sheet.PDF.pdf.

²⁹² Harford Plaintiff Fact Sheet.PDF.pdf.

²⁹³ Report of Plaintiffs’ Expert Brian Osborne (May 16, 2025), at ¶ 61.

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responded, “NO.”²⁹⁴ Theft and vandalism in a school system result in costs, so if social media were posing issues, a reasonable school system would have information about the costs incurred or damages sought relating to social media. Additionally, Harford’s Portable Communication Device Policy, which was revised and adopted in March 2024, includes an extensive list of problematic and disruptive activities in which student might engage.²⁹⁵ The list does not refer to social media.

227. Another example of this variability is in teacher evaluations for instructional and professional competence. First of all, the evaluation of teachers’ instructional skill as they teach content and processes so that students learn deeply, understand, retain, and apply their learning in new and novel ways. And secondly, the evaluation of educators’ ability maintain positive, productive and professional relationships with students, families, and other staff. Yet long before cell phones, social media and the pandemic, the teacher supervision and evaluation process was an area of weakness for many school administrators and for school systems in general. What can be said of teacher supervision and evaluation is that the variability is great enough in skill and expertise among the evaluators, that the practice overall has little or no effect. The Fordham Institute wrote, “In June 2009, we published our findings as The Widget Effect. Our conclusion? It didn’t matter whether the process for dismissing ineffective teachers was easy or impossible because it hardly ever started. Virtually zero teachers were assigned low ratings on official evaluations. Instead, almost all of them received the highest option available. These evaluations—which occurred less than annually for some teachers—were superficial box-checking observations that principals found burdensome and teachers found useless.”²⁹⁶ No evidence exists in 2025 that the state of teacher evaluation has improved.
228. Dr. Osborne also claims that these negative effects of social media “manifest” in schools with such issues as more challenges in maintaining classroom discipline, overwhelmed mental health providers and students with reduced attention span.²⁹⁷ Each of the issues included in Dr. Osborne’s report can be traced back to the COVID-19 pandemic. In 2022, as schools were once again filled with students each day, it became apparent that the isolation and trauma of the closed schools and closed communities had an impact on students.²⁹⁸
229. Bullying, too, has a long history in public schools, and, in fact, in the course of human history. Dr. Osborne’s report suggests that cyber-bullying is a new phenomenon, induced by social media,²⁹⁹ as opposed to an online variant of a long-existing phenomenon.

²⁹⁴ Harford Plaintiff Fact Sheet.PDF.pdf.

²⁹⁵ HCPS_00122261.

²⁹⁶ Daly, T. (2024, April 14). How did teacher evaluation become a thing? The Thomas B. Fordham Institute. <https://fordhaminstitute.org/national/commentary/how-did-teacher-evaluation-become-thing>; TNTP Staff. (2009). The Widget Effect. TNTP. <https://tntp.org/publication/the-widget-effect-failure-to-act-on-differences-in-teacher-effectiveness/>.

²⁹⁷ Report of Plaintiffs’ Expert Brian Osborne (May 16, 2025), at ¶¶ 75, 89.

²⁹⁸ Chatterjee, R. (2022). Kids are back in school — and struggling with mental health issues. NPR.org. <https://www.npr.org/sections/health-shots/2022/01/07/1070969456/kids-are-back-in-school-and-struggling-with-mental-health-issues>.

²⁹⁹ Report of Plaintiffs’ Expert Brian Osborne (May 16, 2025), at ¶¶ 68-69, 94.

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4. Dr. Osborne's Discussion of Social Media's Relationship to School Climate and the Classroom Environment Is Unsupported and Fails to Account for the Typical Operation of Schools

230. Dr. Osborne's discussion of the purported negative impacts on school climate³⁰⁰ by social media use is flawed. The naming of school climate as an issue without *first* considering school culture is also flawed. School culture is, at its core, created by the leadership and staff of the school, as well as by factors that flow from the school system's administration. Social media does not (or should not) determine how adults treat students and the norms, rules, values and beliefs adults hold about students.³⁰¹ When speaking of school culture, educators often remove themselves from the conversation and suggest that student behavior, motivation, civility, work habits, parenting, and so forth, are responsible for the culture of the school. Yet there is tremendous variability in the cultures that exist across schools. Such variability exists primarily because of the way school staff interact with students in the classrooms, hallways, cafeterias, offices, sports, and performing spaces, and so on. Certainly, the students and families served affect the culture, but not to the degree that the staff within the school do. The American University School of Education calls on educators to own their school culture, calling it the "hidden curriculum."³⁰²
231. The parent-school relationship is at the core of a student's school experience. Dr. Osborne's assertion that "many families are themselves struggling to manage their children's digital lives"³⁰³ is a vague generalization at best. And, while he cites Twenge, 2017, as his source, Dr. Osborne provides no data or evidence to support this claim.³⁰⁴
232. Distractions in classrooms and school buildings have been a part of the school experience since the beginning of formal schooling. Many teachers have high levels of expertise in redirecting student attention and extinguishing unwanted student behaviors, while maintaining strong, positive relationships with students. This is not new, and neither are the infinite number of ways that students use to distract one another and adults. Positive, professional relationships between adults and students are of the upmost importance, and they are part of the culture and help create the desired climate. Both the skills and the attitudes of the staff members require that adults see student actions as an opportunity to teach and engage students, as well as build a student's sense of efficacy and agency.
233. The testimony Dr. Osborne cites, from the deposition of the Charleston County School District Assistant Superintendent,³⁰⁵ is anecdotal, and while I will not deny her experience, it is ultimately *her* experience. No data or evidence is provided, and the information is not generalizable for populations of students, or even the population of just one school. It is not possible to draw conclusions, much less make policy recommendations for schools, based on a single person's experience.

³⁰⁰ Report of Plaintiffs' Expert Brian Osborne (May 16, 2025), at ¶ 2, 82, 105.

³⁰¹ Cordeiro, P. (2021). School Culture: A key aspect of positive and successful schools. Global Ed Leadership. <https://globaledleadership.org/2021/08/19/school-culture-a-key-aspect-of-positive-and-successful-schools/>.

³⁰² American University School of Education. (2022). Improving School Culture for a Better Learning Environment. American University. <https://soeonline.american.edu/blog/improving-school-culture/>.

³⁰³ Report of Plaintiffs' Expert Brian Osborne (May 16, 2025), at ¶ 73.

³⁰⁴ Report of Plaintiffs' Expert Brian Osborne (May 16, 2025), at ¶ 73.

³⁰⁵ Report of Plaintiffs' Expert Brian Osborne (May 16, 2025), at ¶ 80.

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5. Dr. Osborne Does Not Properly Explain Why Schools Need Additional Resources and Funding

234. Dr. Osborne recurringly makes the point that schools need “resources” (i.e., money).³⁰⁶ Yet Dr. Osborne offers no thoughts about how increased funding could actually be used to improve student achievement or mental health as part of the school program. Too often, federal, state, and even local governments throw money at an education-related problem without knowing if it will help the situation. The allocation of resources and the expenditures of those resources in public education is a complex and often confusing process. The funds come from a variety of sources and are used to operate school systems, build and renovate schools, and in some locations, pay the debts incurred from construction and renovations projects. A simple comparison illuminates the available funding from 2021 to 2025. Each of those years, school systems received almost \$900 billion. Almost 90% of that money went to operations.³⁰⁷ However, it is often challenging to determine the level of resources allocated to mental health support when school systems do not report how the funds were used.³⁰⁸

B. Rebuttal to Plaintiffs’ Expert Sharon Hoover’s May 16, 2025 Report Opinions

235. Dr. Hoover’s May 16, 2025 report is lacking actual data and evidence for the claims she makes. The lack of actual evidence is twofold. First of all, the evidence to support her underlying claim is inconclusive at best, based on my review of expert reports cited in this litigation.³⁰⁹ Secondly, her ideas and plans are theoretical, and her understanding, and perhaps appreciation, for the essential purpose of schools and how they actually operate appears severely limited. A review of Dr. Hoover’s CV reveals that she has no expertise or experience in the operation of a school system or in the full range of activities and responsibilities a school system must fulfill. Dr. Hoover’s work only relates to an extremely limited aspect of what happens in a school.^{310, 311}

1. Dr. Hoover Does Not Provide Evidence that the Interventions She Proposes Are Necessary

236. Dr. Hoover’s assertion that schools are increasingly tasked with dealing with mental health challenges arising from social media use³¹² is unfounded. While social-emotional issues have grown

³⁰⁶ Report of Plaintiffs’ Expert Brian Osborne (May 16, 2025), at ¶¶ 52, 65, 86, 89, 98.

³⁰⁷ Lieberman, M. (2024). Public Schools by the Numbers: How Enrollment, Funding, and More Changed in 2024. Education Week. <https://www.edweek.org/policy-politics/public-schools-by-the-numbers-how-enrollment-funding-and-more-changed-in-2024/2024/12>.

³⁰⁸ Center for Education Policy Research. (2024). How Federal Pandemic Aid Impacted Schools. Harvard University <https://cepr.harvard.edu/news/how-federal-pandemic-aid-impacted-schools>.

³⁰⁹ Report of Defendants’ Expert Randy Auerbach (July 9, 2025); Report of Defendants’ Expert Alan Berman (July 9, 2025); Report of Defendants’ Expert Ian Gotlib (July 9, 2025); Report of Defendants’ Expert Sarah Honaker (July 9, 2025); Report of Defendants’ Expert Robert Platt (July 9, 2025); Report of Defendants’ Expert Matthew Shear (July 9, 2025); Report of Defendants’ Expert Stephen Aguilar (July 9, 2025)..

³¹¹ School-Based Health Alliance. (2024). Strategies for supporting students and staff following traumatic events - Sharon A. Hoover, Ph.D., Jerica Knox, PhD, Assistant Professor. School-Based Health Alliance.

<https://www.sbh4all.org/team/sharon-a-hoover-phd/>; University of Maryland School of Medicine. Sharon A. Hoover, PhD. University of Maryland School of Medicine. <https://www.medschool.umaryland.edu/profiles/hoover-sharon/>.

³¹² Report of Plaintiffs’ Expert Sharon Hoover, Board of Education Harford County (May 16, 2025), at ¶¶ 5-6, 77.

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over time among adolescents,³¹³ and accelerated during and after the pandemic,³¹⁴ my understanding is that the evidence is inconclusive as to the specific cause or if there is a single cause rather than many causes.³¹⁵

237. Dr. Hoover's claim that districts are increasingly tasked with managing behaviors such as social media distractions during instruction³¹⁶ is not supported with evidence or data. Certainly, no one will argue that distractions are a challenge in schools, and distractions in schools have existed for as long as schools have existed. Many things can be distracting to students, ranging from the weather outside (e.g., if it is snowing), to books, to getting texts from their grandparents during class. Prior to cell phones, some students were distracted by beepers, the Sony Walkman, and M3P Players. Dr. Hoover ignores the practical reality of school environments in discussing social media as a distraction.
238. Dr. Hoover also points to "peer conflict" and "emotional dysregulation" stemming from social media use as issues schools have to deal with.³¹⁷ She ignores that both of those issues have long been part of the schoolhouse, and the causes of each are varied. To imply that they are new or have been caused primarily by social media is to deny history. For example, in *Lockdown High*, Annette Fuentes reconstructs the history of school violence in the U.S. and makes the case that peer conflict has been a regular part of public schools since schools were established. Identifying that the first compulsory attendance laws were in Massachusetts and were linked to juvenile crime.³¹⁸ There is also no evidence in this case that social media is causing issues for Harford County Public Schools. The district was asked, "Do you possess any existing report, survey, analysis, study or other document that provides an overview of or describes interventions, discipline, or other consequences imposed on students for using social media on school premises? Choose your answer (Yes/No)." Harford responded, "NO."³¹⁹ A school system claiming to have dealt with social media problems and harms since at least 2017 has no data about the issue, undermining its claims.³²⁰

³¹³ National Library of Medicine Staff. (2022). Child and Adolescent Mental Health. National Library of Medicine. <https://www.ncbi.nlm.nih.gov/books/NBK587174/>.

³¹⁴ Gramlich, J. (2023). Mental health and the pandemic: What U.S. surveys have found. Pew Research Center. <https://www.pewresearch.org/short-reads/2023/03/02/mental-health-and-the-pandemic-what-u-s-surveys-have-found/>.

³¹⁵ Report of Defendants' Expert Randy Auerbach (July 9, 2025); Report of Defendants' Expert Alan Berman (July 9, 2025); Report of Defendants' Expert Ian Gotlib (July 9, 2025); Report of Defendants' Expert Sarah Honaker (July 9, 2025); Report of Defendants' Expert Robert Platt (July 9, 2025); Report of Defendants' Expert Matthew Shear (July 9, 2025); Report of Defendants' Expert Stephen Aguilar (July 9, 2025)..

³¹⁶ Report of Plaintiffs' Expert Sharon Hoover, Board of Education Harford County (May 16, 2025), at ¶¶ 33-34, 54-57.

³¹⁷ Report of Plaintiffs' Expert Sharon Hoover, Board of Education Harford County (May 16, 2025), at ¶¶ 5, 99, 122.

³¹⁸ Fuentes, A. (2018). A Brief History of School Violence in the United States. Verso. https://www.versobooks.com/blogs/news/3705-a-brief-history-of-school-violence-in-the-united-states-2011?srsltid=AfmBOop79aER38cD4s7wyJV8tZylm_iUSfIAX_fQ91Xj3TqQ6vk99KBs.

³¹⁹ Harford Plaintiff Fact Sheet.PDF.pdf.

³²⁰ Harford Plaintiff Fact Sheet.PDF.pdf.

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239. Additionally, when Harford County Public Schools was asked, “Do you possess any existing report, survey, analysis, study or other document that provides an overview of or describes known costs incurred or damages sought as a result of any harms to your district which you attribute to social media?” Harford County Public Schools responded, “NO.”³²¹ Theft and vandalism in a school system result in costs incurred. Either the individual who caused the damage pays for the damage or the school system does. School systems keep records, and those records are both local and aggregated at the state and national level. As recently as 2024 at the state level, the discipline data did not delineate in the category of attack/threat/fighting if social media was involved in the conflict. In fact, in the report, social media was not referenced at all.³²² The same is true at the national level. In the most recent US Department of Civil Rights Report on student discipline and school climate does not reference social media threats or disaggregate threats separating those involving social media from other types of threats.³²³

240. Dr. Hoover asserts that school systems are “[n]avigating strained family-school partnerships” and that the strain is primarily because of social media-related concerns.³²⁴ This claim is not supported with any evidence and is inaccurate. Dr. Hoover’s discussion of teacher effectiveness and claims regarding social media’s purported role in classroom dynamics shows a misunderstanding of teacher variability and classroom management.³²⁵ First, Dr. Hoover offers no evidence for these claims other than referencing other reports of Plaintiffs’ experts, Dr. Eva Telzer and Dr. Dimitri Christakis, and she shares no data to support her premise. The reality is that different teachers have different levels of skill in classroom management, and teachers have always had to manage student relationships and classroom dynamics. In my own experience, I have supervised teachers ranging from those who are masters at managing their classrooms to those who manage chaos, at best. And while there is a correlation between strong management skills and years of experience, it is only a correlation. More experience does not automatically result in better classroom management—effective instruction must also take place. This was true long before the existence of social media. The National Council on Teacher Quality wrote, “Having a well-managed classroom correlates with students’ ability to learn, yet classroom management continues to be one of the biggest obstacles to teaching, especially for new teachers.”³²⁶ And the work of the National Council on Teacher Quality (NCTQ) indicates that classroom management has long been an area of real struggle for educators—well before the advent of social media. NCTQ stated in 2016: “Twenty years ago, a poll revealed that 58 percent of K-12 teachers said

³²¹ Harford Plaintiff Fact Sheet.PDF.pdf.

³²² Maryland Public Schools. (2024). Suspensions by School and Major Category In-School Suspensions. Maryland State Department of Education.

<https://marylandpublicschools.org/about/Documents/DCAA/SSP/20232024Student/2024-Student-Suspensions-By-School-In-School-A.pdf>.

³²³ U.S. Department of Education Office for Civil Rights Staff. (2023). Student Discipline and School Climate in U.S. Public Schools. U.S. Department of Education Office for Civil Rights.

<https://www.ed.gov/media/document/crdc-discipline-school-climate-reportpdf-21409.pdf>.

³²⁴ Report of Plaintiffs’ Expert Sharon Hoover, Board of Education Harford County (May 16, 2025), at ¶¶ 5, 82.

³²⁵ Report of Plaintiffs’ Expert Sharon Hoover, Board of Education Harford County (May 16, 2025), at ¶¶ 44, 53-57.

³²⁶ National Council on Teacher Quality Staff. (2016). Understanding Our Classroom Management Standard.

National Council on Teacher Quality. https://www.nctq.org/wp-content/uploads/2025/03/Standard_Book_10_652109.pdf, at 4.

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that behavior that disrupted instruction occurred “most of the time or fairly often.”³²⁷ “More recently, school staff indicated that 44 percent of new teachers were either not at all prepared or only somewhat prepared to handle a range of classroom management or discipline situations.”³²⁸ The NCTQ found that for more than the past 20 years, around half of new teachers were not prepared to handle classroom management and that continues to be the case. This fact has nothing to do with social media. Yet Dr. Hoover claims that “student social media use can significantly disrupt classroom dynamics … and impacts teacher-student relationships.”³²⁹

241. Moreover, Dr. Hoover’s assertion that there is widespread deterioration of student-teacher relationships³³⁰ is unfounded. Unfortunately, well before cell phones and social media, many classrooms had a negative or neutral or neutral atmosphere,³³¹ and Dr. Hoover offers no data indicating that classroom atmospheres are worse now than before. The phrase “school culture” is often applied to describe the atmosphere of a classroom and refers to “the underlying set of norms and values, history and stories, symbols and logos, rituals and traditions that make up the foundation of a school’s social and emotional ethos.”³³² School culture is at its core created by the leadership and staff of the school, as well as factors that flow from the school system. Social media does not (or should not) determine how adults treat students and the norms, rules, values and beliefs adults hold about students.
242. Dr. Hoover writes, “Research suggests that social media use can have a notable impact on teachers’ morale and job satisfaction.”³³³ No actual data was included in support of this claim. A report by the National Education Association is also cited. The report does not link actual research about social media to student mental health. Rather, it identifies student mental health—Independent of social media—as a “very serious” concern for educators. However, in the list of issues in the survey, student mental health is ranked fifth out of a list of eight items that the respondents identified as “very serious” (the first four items are teacher burnout, low pay, educator shortages and politicians and non-educators making decisions about curriculum). All four had higher levels of “very serious” concern for the National Education Association members than did student mental health.³³⁴ Additionally, Dr. Hoover

³²⁷ National Council on Teacher Quality Staff. (2016). Understanding Our Classroom Management Standard. National Council on Teacher Quality. https://www.nctq.org/wp-content/uploads/2025/03/Standard_Book_10_652109.pdf, at 4.

³²⁸ National Council on Teacher Quality Staff. (2016). Understanding Our Classroom Management Standard. National Council on Teacher Quality. https://www.nctq.org/wp-content/uploads/2025/03/Standard_Book_10_652109.pdf, at 4.

³²⁹ Report of Plaintiffs’ Expert Sharon Hoover, Board of Education Harford County (May 16, 2025), at ¶ 53.

³³⁰ Report of Plaintiffs’ Expert Sharon Hoover, Board of Education Harford County (May 16, 2025), at ¶¶ 47-57.

³³¹ The Madeline Hunter Model of Mastery Learning. California State University, Northridge. <https://www.csun.edu/sites/default/files/Holle-Lesson-Planning.pdf>.

³³² Cordeiro, P. (2021). School Culture: A key aspect of positive and successful schools. Global Ed Leadership. <https://globaledleadership.org/2021/08/19/school-culture-a-key-aspect-of-positive-and-successful-schools/>.

³³³ Report of Plaintiffs’ Expert Sharon Hoover, Board of Education Harford County (May 16, 2025), at ¶ 58.

³³⁴ National Education Association Staff. (2024). Impact of Social Media and Personal Devices on Mental Health. National Council on Teacher Quality. <https://www.nea.org/resource-library/impact-social-media-and-personal-devices-mental-health>.

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cites an article by a single teacher who identified social media as an issue causing teacher exhaustion,³³⁵ which is not reliable evidence for Dr. Hoover's claim.

243. Dr. Hoover includes the following claims in her report:

"In recent years, district and school leaders, educators, and health and mental health providers have increasingly found themselves reallocating limited funding and staffing resources to respond to the negative impacts of students' social media use. These impacts extend beyond individual student well-being and now significantly affect the broader school climate, academic engagement, and the mental health demands placed on school based services."³³⁶

In support of this claim, Dr. Hoover cites to three documents that contain recommendations from organizations relating to social media, but she offers no data or evidence to support the claim that, in any systemic or widespread way, social media is causing schools to expend or divert significant resources. Dr. Hoover also states:

"Administrative teams have had to allocate funds for monitoring software that can detect online threats, self-harm risks, or cyberbullying incidents in real-time, creating new demands on school IT and crisis response staff."³³⁷

Dr. Hoover offers no citations or evidence in support of this claim.

2. Dr. Hoover's Proposals Would Require Significant Resources and Displace Other Functions of Schools and Improperly Overlay a Major New System on Schools Without Supporting Evidence

244. One of Dr. Hoover's core suggestions is that "comprehensive school mental health systems" should be created.³³⁸ This proposal is at odds with the core purpose and function of schools. The purpose of the public school system is to teach students so they have a solid foundation in literacy and numeracy. Dr. Hoover suggests a system that would "focus on social media" and involve "Accessible, evidence-based mental health supports and services for students," "Mental health literacy," "Digital literacy education," "Life skills programming," "Anti-cyberbullying and restorative practice programming," and "Robust family engagement and education efforts."³³⁹ Based on my experience, implementing these kinds of programs would require a significant amount of resources, including time, which would displace schools' core functions of teaching children literacy and numeracy skills. Given the disparities in learning that already exist for different student populations,³⁴⁰ as well as across school systems, school buildings, and classrooms, a shift in primary focus from literacy, numeracy, and all other content learning could put students across the country and this nation at a further disadvantage in the global

³³⁵ Report of Plaintiffs' Expert Sharon Hoover, Board of Education Harford County (May 16, 2025), at ¶ 59.

³³⁶ Report of Plaintiffs' Expert Sharon Hoover, Board of Education Harford County (May 16, 2025), at ¶ 77.

³³⁷ Report of Plaintiffs' Expert Sharon Hoover, Board of Education Harford County (May 16, 2025), at ¶ 82.

³³⁸ Report of Plaintiffs' Expert Sharon Hoover, Board of Education Harford County (May 16, 2025), at ¶¶ 6, 33.

³³⁹ Report of Plaintiffs' Expert Sharon Hoover, Board of Education Harford County (May 16, 2025), at ¶¶ 6, 33.

³⁴⁰ Quintero, D., Levesque, E. M., Valant, J., & Hansen, M. (2018). 2018 Brown Center Report on American Education: Trends in NAEP math, reading, and civics scores. Brookings. <https://www.brookings.edu/articles/2018-brown-center-report-on-american-education-trends-in-naep-math-reading-and-civics-scores/>.

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economy³⁴¹ and further weaken public education.³⁴² It is true that schools must be concerned about and attend to the well-being of students in order to support students as learners and future members of their communities. That said, I see no clear evidence of any need for a program like the one Dr. Hoover proposes, let alone any reason to implement it at the expense of all the other functions of schools.

245. Dr. Hoover's decision to base her proposed comprehensive school mental health system on a multi-tiered system of support ("MTSS"),³⁴³ indicates in a clear and direct way that there is not a population-wide problem to address. Dr. Hoover's recommendation of a deficit model to bring about system-wide reform, when the data does not suggest there is a need to "treat" all students, and the data focused on treating some students is inconclusive, is inappropriate. Typically, "[t]he MTSS process is ... oriented around problem solving. When data suggests that students require more or less intensive supports to aid either remediation or enrichment, they will move throughout the tiers based on that need."³⁴⁴ Most importantly, what Dr. Hoover recommended is overlaying a massive structure over school systems that will further erode the focus on learning and treat all children and schools as if they have a problem.
246. School systems across the country have tier systems for providing student mental health services that are appropriate in size and services to the student populations they serve. A tiered, comprehensive mental health program of the scope and scale Dr. Hoover recommended would likely fail to be implemented, and the plan to implement the system over fifteen years and in all grades increases the likelihood of the plan's failure. Large, top-down plans that are not tailored to the circumstances of different schools and the challenges they face typically fail.³⁴⁵
247. Moreover, Dr. Hoover's proposed fifteen-year time frame is mystifying. Students who started Pre-kindergarten at the beginning of the plan would have graduated from high school two years before full implementation of this plan. An entire generation would have moved through the school systems, and there is no way those implementing the plan could effectively gauge whether it was achieving its goals or failing to do so. The proposed K-12 implementation and fifteen-year time frame speak to Dr. Hoover's lack of understanding of how school systems actually work.

3. Dr. Hoover Overlooks Existing Digital Literacy Programs

248. Dr. Hoover's contention that schools should be provided additional funding so they can teach students about the risks and responsibilities involved in social media³⁴⁶ is unreasonable and also ignores

³⁴¹ Low, C. C. (2023). Recent International Assessment Scores Mark Worrying Trend in U.S.' Global Competitiveness. US Chamber Foundation. <https://www.uschamberfoundation.org/education/recent-international-assessment-scores-mark-worrying-trend-in-us-global-competitiveness>.

³⁴² Andrews, L. (2025). School choice continues to expand, even in blue and purple states. The Hill. <https://thehill.com/opinion/5344567-hybrid-schools-ease-funding/>.

³⁴³ Pendharkar, E. (2023). MTSS: What Is a Multi-Tiered System of Supports? Education Week. <https://www.edweek.org/teaching-learning/mtss-what-is-a-multi-tiered-system-of-supports/2023/10>.

³⁴⁴ DESE. (2022). Tiered Instruction within the MTSS Model. Massachusetts's Department of Elementary and Secondary Education. <https://www.doe.mass.edu/massliteracy/leading-mtss/tiered-instruction.html>.

³⁴⁵ Stilwell, D. (2024). Why Top-Down Reforms Are Failing Our Schools. The W. Edwards Deming Institute. <https://deming.org/why-top-down-reforms-are-failing-our-schools/>.

³⁴⁶ Report of Plaintiffs' Expert Sharon Hoover, Board of Education Harford County (May 16, 2025), at ¶¶ 5, 94-96.

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the fact that many schools already have programs in place to help students learn how to use technology effectively. For example, many school systems started introducing digital lessons many years ago:

“According to the State Educational Technology Directors Association (SETDA), 32 of 50 states have statewide digital learning plans in place that districts are required to follow and which are updated every three to seven years. In the absence of a universal statewide plan, 12 states require districts to devise and implement their own digital learning plans that must be approved at the state level and/or follow established standards for classroom technology from the International Society for Technology in Education (ISTE) or similar organizations. ISTE standards promote concepts such as digital citizenship, equity and computational thinking.”³⁴⁷

Accordingly, forty-four states have an existing digital learning-related requirement. Certainly, Dr. Hoover must be aware of these standards and how they are embedded in the curricula by state regulation in forty-four states, but she does not address them.

C. Rebuttal to Plaintiffs’ Expert Sharon Hoover’s May 18, 2025 Report Opinions Regarding Harford County Public Schools

249. Harford County Public Schools is one of twenty-four systems in Maryland. Maryland, as with all fifty states, has its own unique kind of public education, shaped by its culture, history, and politics, as well as its relative wealth and tax base. While public education has surprising consistency across states, one important difference between states is the degree to which local boards of education exercise control over schools, relative to the State Board of Education and the State Department of Education.³⁴⁸ Part of understanding Harford County Public Schools and interpreting Dr. Hoover’s May 18, 2025 Report for Board of Education Harford County (“Dr. Hoover’s Case Specific Report”) is understanding the reasonably high level of control that Maryland exercises over its twenty four school systems, and that control has increased since the Blueprint for Maryland’s Future legislation was passed into law in 2021.³⁴⁹

1. Dr. Hoover’s Claims About Harford County Public Schools’ Purported Diversion of Resources to Address Social Media Are Unsupported

250. Dr. Hoover claims that Harford County Public Schools have diverted resources “to address increased behavioral and mental health concerns, revise teaching plans, update curricula, hire additional mental health personnel, and train teachers.”³⁵⁰ There are no citations in the report in support of this assertion, and no documents I am aware of from Harford County Public Schools support this assertion.

251. Dr. Hoover also asserts that “HCPS has also developed educational materials addressing social media addiction and harm, adjusted student handbooks and school policies to reflect the challenges

³⁴⁷ Gifford, A. (2023). Which States Have Digital Learning Plans? GovernmentTechnology. <https://www.govtech.com/education/k-12/which-states-have-digital-learning-plans>.

³⁴⁸ Noah Webster Educational Foundation Staff. (2021). What Does the Department of Education Do? Noah Webster Educational Foundation. <https://nwef.org/2021/11/29/what-does-the-department-of-education-do/>.

³⁴⁹ Maryland Association of Boards of Education. (2024). Priority Issue: The Blueprint for Maryland’s Future. Maryland Association of Boards of Education. <https://www.mabe.org/adequacy-funding/>.

³⁵⁰ Report of Plaintiffs’ Expert Sharon Hoover, Board of Education Harford County (May 18, 2025), at ¶ 30.

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posed by digital platforms, and updated IT infrastructure to prevent and mitigate social media risks.”³⁵¹ These claims are not supported by the materials produced by Harford County Public Schools. For example, when Harford County staff responded to the question, “Do you possess any existing report, survey, analysis, study or other document that provides an overview of or describes known costs incurred or damages sought as a result of any harms to your district which you attribute to social media?”, Harford County responded, “NO.”³⁵² And when staff answered the question, “Do you possess any existing report, survey, analysis, study or other document that provides an overview of or describes known expenditures and anticipated future expenditures made by your district, related to youth mental health?”, Harford County responded “NO.”³⁵³ Dr. Hoover’s assertion that Harford County has diverted resources for mental health concerns is not consistent with Harford’s responses and actions.

252. Given that, according to Harford County Public Schools, the problems caused for students and the school system by social media have been occurring since at least the 2017-18 school year,³⁵⁴ I would expect there to be records documenting and analyzing this issue. It is unreasonable that *no* records exist that document the issues that have allegedly surfaced, that there are no documents relating to Harford’s responses to the issues, and there are no documents tracking costs associated with the issues. School system annual budgets in Maryland begin on July 1 of each year and end on June 30, with no exceptions. Each budget covers only one fiscal year. The state requires that each school system keep accurate and specific records related to expenditures. After the fiscal year ends on June 30, school systems must close their financial record for the year, conduct an annual audit, and submit required documents to the state by September 30. One would expect to see budget allocations for dealing with the specific claimed harms from social media if schools were diverting resources to deal with social media, but none exist.³⁵⁵
253. Dr. Hoover also makes the claim that Harford County Public Schools “adjusted student handbooks and school policies to reflect the challenges posed by digital platforms.”³⁵⁶ However, the only policy appearing to address digital media was not updated for over a decade during the exact period the district claims social media was causing significant problems. The district’s Board of Education has a policy entitled Portable Communication Devices. The policy was first adopted on 6/11/1990 and subsequently amended 7/8/1991, 6/10/1996, 6/9/1997, 11/26/2001, 8/14/2006 7/29/2013, and, most recently, 3/18/2024. The policy applies to Personal Communication Devices (PCDs), Personal Listening Devices (PLDs), and Wearable Communication Devices (WCDs). The Policy Statement reads, “PCDs, PLDs, and WCDs may serve as an outstanding instructional tool and learning resource if used appropriately and under the direction of the teacher or with teacher permission … In order to preserve the teaching and learning environment, this document is to clarify the cell phone/portable communication devices policy for Harford County Public Schools.”³⁵⁷ The fact that the system did not update the policy for eleven years is noteworthy, given that Harford County Public Schools claims social media has been causing substantial problems in schools and classrooms since at least 2017-18. The list of activities is

³⁵¹ Report of Plaintiffs’ Expert Sharon Hoover, Board of Education Harford County (May 18, 2025), at ¶ 30.

³⁵² Harford Plaintiff Fact Sheet.PDF.pdf.

³⁵³ Harford Plaintiff Fact Sheet.PDF.pdf.

³⁵⁴ Harford Plaintiff Fact Sheet.PDF.pdf.

³⁵⁵ HCPS_00170474, HCPS_00281951, HCPS00172564, HCPS_00442579, HCPS_00014203.

³⁵⁶ Report of Plaintiffs’ Expert Sharon Hoover, Board of Education Harford County (May 18, 2025), at ¶ 30.

³⁵⁷ HCPS_00122261.

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provided a second time in the policy with a clear statement indicating that all such uses of a “device for unlawful purposes and/or in a manner that violates this policy will be subject to disciplinary action.”³⁵⁸

254. In a review of the Harford Plaintiff Fact Sheet that was provided by the school system, in the section entitled, “SCHOOL POLICIES FOR ELECTRONIC DEVICES, INTERNET, AND SOCIAL MEDIA USE,” a question is asked about whether the school has taken actions relating to “students’ use of the internet or social media on school property from the 2017-2018 school year to present.”³⁵⁹ Harford County Public Schools officials responded that they have taken action—updating the Portable Communications Devices policy on March 18, 2024, after at least eight years of dealing with cell phone and social media problems, according to Harford County Public Schools.³⁶⁰ Nonetheless, Harford indicated that, “The Office of Elementary, Middle and High School Performance works closely with all departments of Harford County Public Schools to facilitate the implementation of policies and procedures as it relates to the daily operation of each school building and the impact of that operation on administrators, teachers, students, parents and the surrounding community, county and state.”³⁶¹ The 2013 version of the Portable Communications Devices policy continued to be implemented in schools until March 2024. Additionally, the policy that addresses BULLYING, CYBERBULLING, HARRASSMENT or INTIMIDATION OF STUDENTS³⁶² was adopted in June 2009 and adopted again, with revisions, in May 2022. The only reference to social media in that policy is a reference that cyberbullying can occur on “texting applications, social media posts/blogging or gaming.” No action was taken on either of these policies for more than a decade during the time that the school system claimed social media was creating problems for students and expanding costs for Harford.

255. Dr. Hoover’s report also claims that Harford County Public Schools has diverted resources “to train teachers.”³⁶³ Yet when asked in the Harford Plaintiff Fact Sheet, “Has your district provided trainings for employees on how to address student mental health issues relating to social media?”, Harford responded “NO.”³⁶⁴ This is another inconsistency between the Plaintiff Fact Sheet and Dr. Hoover’s report. Yet there is also a conflict between paragraphs 30 and 33 of Dr. Hoover’s report. Paragraph 30 states that Harford has “responded to the growing impact of social media on student wellbeing … [by] train[ing] teachers.”³⁶⁵ However, the report includes the following statement in paragraph 33: “HCPS has not had the capacity to provide formal, districtwide staff training that directly addresses the mental health impacts of social media, such as professional development sessions with a focus on equipping staff to support students in this specific area.”³⁶⁶ This statement is consistent with the Harford Plaintiff Fact Sheet where Harford administrators say they have not undertaken the training of staff. If this is true—and given the challenges they have claimed to have faced with student social media use since at

³⁵⁸ HCPS_00122261.

³⁵⁹ Harford Plaintiff Fact Sheet.PDF.

³⁶⁰ HCPS_00122261.

³⁶¹ FY19EducationServices.pdf.

³⁶² Harford County Public Schools. (2022). Policy Title: Bullying, Cyberbullying, Harassment, or Intimidation of Students Policy. Harford County Public Schools. <https://www.hcps.org/webfiles/WebFilesHandler.ashx?id=2473>.

³⁶³ Report of Plaintiffs’ Expert Sharon Hoover, Board of Education Harford County (May 18, 2025), at ¶ 140.

³⁶⁴ Harford Plaintiff Fact Sheet.PDF.pdf.

³⁶⁵ Report of Plaintiffs’ Expert Sharon Hoover, Board of Education Harford County (May 18, 2025), at ¶ 30.

³⁶⁶ Report of Plaintiffs’ Expert Sharon Hoover, Board of Education Harford County (May 18, 2025), at ¶ 33.

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least 2017³⁶⁷—it is mystifying that the district would not have provided teacher training related to social media.

256. Finally, for Dr. Hoover’s claim that resources had been diverted for “the development of educational materials addressing social media addiction and harm,”³⁶⁸ there is minimal evidence either in Dr. Hoover’s report or in the record to support the statement.

257. The inconsistencies between Dr. Hoover’s claims and the record in this case call into question when Harford County Public Schools first became concerned about the impact of social media, and whether social media has truly caused the problems the district claims, given the sparse references, conflicting information, and timing of the actions found in the record Harford provided.

2. Dr. Hoover’s Claims Regarding Rising Student Mental Health Needs in Harford County Public Schools Are Not Linked to Social Media and Fail to Consider Other Relevant Factors

258. In her report, Dr. Hoover provided numbers of student referrals for mental health services, asserting that “student needs” have grown over time.³⁶⁹ In the Harford Plaintiff Fact Sheet, staff responded “Yes” to the question, “Do you possess any existing report, survey, analysis, study or other document that provides an overview of or describes the prevalence of students in the district receiving mental health services through the district?”³⁷⁰ The County provided the following information:³⁷¹

If yes, provide a copy (should include students at each level if part of the document(s)) and identify the document(s) responsive to this question.

Please see answer 38, above. Additionally, please see attached Exhibits.

Plaintiff reserves the right to supplement this response as discovery continues.

However, no “Exhibits” were included in the records. Meanwhile, Question 38 asked: “Describe the portion of your student body receiving mental health services in your district and how it has changed over time since the 2017-2018 school year, including approximate numbers and percentages if available in any existing report, survey, analysis, study or other document that provides an overview of or describes student mental health services. Note: This question is not designed to require review of underlying individual student records.” Harford County Public Schools responded as follows:

³⁶⁷ Harford Plaintiff Fact Sheet.PDF.pdf.

³⁶⁸ Report of Plaintiffs’ Expert Sharon Hoover, Board of Education Harford County (May 18, 2025), at ¶ 30.

³⁶⁹ Report of Plaintiffs’ Expert Sharon Hoover, Board of Education Harford County (May 18, 2025), at ¶ 28.

³⁷⁰ Harford Plaintiff Fact Sheet.PDF.pdf.

³⁷¹ Harford Plaintiff Fact Sheet.PDF.pdf.

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Data is kept for those students referred to School-Based Mental Health Services. Each school has a partnership with at least one outpatient mental health clinic to provide therapy to students during the school day, at the request and with the permission of families. This program has grown over time from five partnering agencies providing services throughout the district to the current number of fourteen. Typically, students referred for these school-based services encounter significant barriers accessing such services after school hours.

In general referrals and or students served have been tracked since the 2018-19 school year:

2018-19: 1031 referrals

2019-20: 484 referrals

2021-22: 693 referrals

2022-23: 1,116 students received services

September 2023-February 2024: 848 referrals 514 students receiving services

Each provider is asked to complete a monthly form showing referrals received from each assigned school as well as current students receiving services.

Plaintiff reserves the right to supplement this response as discovery continues.

The numbers provided in response to this question do not indicate a trend (the number of referrals clearly fluctuates from year-to-year), and the data are without explanation. No reasons for referrals were provided, so it is not possible to link these referrals to social media (or any other factor). Accordingly, while Harford County Public Schools and Dr. Hoover claim that mental health challenges for students related to social media are a crisis for students, families, staff, and the school system, the referral information they supply does not support such an assertion.

259. Moreover, both Dr. Hoover and Harford County Public Schools fail to reference the potential impacts of the COVID-19 pandemic and school closures for schools years 2019-20 through 2023-24.

260. Another set of information that is not included in Dr. Hoover's case specific report about Harford County Public Schools is found in the school system's Wellness Needs Assessment Analysis, 2023-24 School Year, Final Research Report.³⁷² The report includes a wealth of information from students about what they think, how they feel, and what they do. In response to the question, "Do you have any concerns regarding your experiences with mental health or emotional well-being?", 86% of the 13,901 secondary respondents, responded, "NO," while 14% responded, "YES."³⁷³

261. Dr. Hoover's Case Specific Report for Harford states that "HCPS has not had the resources to implement a formal, district-wide task force specifically focused on both mental health and social media use."³⁷⁴ This statement is inconsistent with everything I have experienced in school systems. School systems regularly convene a task force or workgroup as a typical first step when a problem or opportunity is identified, in order to gain a deeper understanding of the issues, gather feedback from constituent groups, and determine next steps. The groups are usually led by a person other than the superintendent, and the membership is comprised of volunteers and staff who do the work as part of their job. Indeed, Dr. Hoover states that "an *attendance* task force involving central staff, community coordinators, and communications personnel"³⁷⁵ had been established (emphasis added). She also wrote that, "During the 2023–24 school year, a *behavior workgroup* comprising teachers, administrators,

³⁷² HCPS 00046480.

³⁷³ HCPS 00046480.

³⁷⁴ Report of Plaintiffs' Expert Sharon Hoover, Board of Education Harford County (May 18, 2025), at ¶ 30.

³⁷⁵ Report of Plaintiffs' Expert Sharon Hoover, Board of Education Harford County (May 18, 2025), at ¶ 32.

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counselors, and central office staff met multiple times and issued a feedback report.”³⁷⁶ (emphasis added). It is understandable that Harford would establish an “attendance” task force given the chronic absenteeism crisis in public schools today, and a “behavior workgroup,” which is a relatively common endeavor for school systems. Moreover, a search of Harford’s website reveals that during the 2019-20 school year, a Customer Service Task Force was formed and launched a survey in 2021 that is still available on the NCPS website.³⁷⁷ Given that the district has created these other task forces over this time period, it is entirely unclear to me why Harford County Public Schools did not seat a task force or workgroup as they faced what they asserted to be a growing crisis with student use of social media, and it does not make sense that Dr. Hoover would claim that the district lacked the resources to do so.

262. According to Dr. Hoover’s case specific report, system leadership completed the School Mental Health Profile, and Dr. Hoover included information from the report.³⁷⁸ Unfortunately, since no trend data is included, the information provided does not indicate if mental health staffing levels have increased, declined, or remained static over the last several years. Dr. Hoover asserts that the staffing levels for counselors and other selected professionals are below standards set by professional organizations,³⁷⁹ and indeed, The American School Counselor Association (ASCA), recommends a ratio of 250 students per one school counselor.³⁸⁰ That said, none of the actual staffing figures show any connection to social media.

3. The Anecdotal Information From Interviews Dr. Hoover Relies Are Not Reliable Evidence

263. Included in the Case Specific Report for Harford County are “Key Informant Interviews.”³⁸¹ While anecdotal evidence can have value when used to provide specific examples or descriptions of events, when statements from an individual are used in isolation without additional data or evidence, the responses from interviews only represent one person’s experiences or opinions. For that reason, I view these “Key Informant Interviews” as being of limited value.

264. Additionally, when the statements from the Key Informant Interviews are reviewed along with the many of the responses from the Plaintiff Fact Sheet and the Wellness Needs Assessment Analysis, 2023-24 School Year, Final Research Report,³⁸² the school system’s stated concern about social media appears misplaced. In the Wellness Needs Assessment Final Research Report, 37% of Secondary students responded positively to the statement, “I like school.”³⁸³ And to the statement, “My school does not have issues with violence,” only 34% of students in grades 6 through 12 agreed. Yet 93% of

³⁷⁶ Report of Plaintiffs’ Expert Sharon Hoover, Board of Education Harford County (May 18, 2025), at ¶ 32.

³⁷⁷ Harford County Public Schools. (n.d.) Stakeholder Engagement: Customer Service Task Force. Harford County Public Schools. <https://www.hcps.org/superintendent/stakeholderengagement.aspx..>

³⁷⁸ Report of Plaintiffs’ Expert Sharon Hoover, Board of Education Harford County (May 18, 2025), at ¶ 37-39.

³⁷⁹ Report of Plaintiffs’ Expert Sharon Hoover, Board of Education Harford County (May 18, 2025), at ¶ 39.

³⁸⁰ Rakestraw, K. (2023). ASCA Releases Updated Student-to-Student-Counselor Ratio Data. American School Counselor Association. <https://www.schoolcounselor.org/getmedia/a0565224-7cc7-4119-883a-2aa900e296b6/student-to-sc-ratios.pdf>.

³⁸¹ Report of Plaintiffs’ Expert Sharon Hoover, Board of Education Harford County (May 18, 2025), at ¶ 49.

³⁸² HCPS 00046480.

³⁸³ HCPS 00046480.

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students agreed that they “feel safe at home.”³⁸⁴ While educators across the district have apparently spoken with Dr. Hoover about the perceived dangers of social media, more than 60 of every 100 secondary students believe their school has problems with violence. Relevant here is the recent 2025 announcement that “Harford County Public Schools announced they will start using new portable weapons detection system in schools across the area … at all high schools, but will also be seen at some elementary and middle schools.”³⁸⁵ These issues with violence and student dislike of school are real problems identified by more than 13,000 students in the system. Given the volume of this data, these student opinions carry weight, in contrast to the words of selected administrators speaking to an expert retained in ongoing litigation.

4. Dr. Hoover’s Recommendations Relating to Harford County Public Schools Are at Odds with the District’s Actions

265. Dr. Hoover’s Harford County Public Schools Report offers a number of recommendations pertaining to social media.³⁸⁶ Dr. Hoover recommended social media policy revisions.³⁸⁷ However, as noted above, when the Harford Board of Education Policy related to digital device use was revised and adopted in 2024, no significant changes were made relating to social media.³⁸⁸

266. Additionally, Dr. Hoover recommended K-12 digital literacy, life skills, and mental health literacy programs.³⁸⁹ None of these programs are specific to social media, and they have already have been a part of the Harford County Public Schools curricula for decades. The school system offers a Pre-K through grade 12 health curriculum and at the high school level “requires one full credit of health education to meet graduation requirements.”³⁹⁰ Additionally, Harford County lists the following areas of study as part of their program: “The health education curriculum supports the following state goals as outlined by Maryland State Department of Education: Health Skills, Analyzing Influences, Accessing Information, Interpersonal Communication, Decision Making, Goal Setting, Self-Management, Advocacy.”³⁹¹ Harford County also offers the Mental Health Zone on their website with an array of resources. Notably, on the landing pages, the Harford County Public Schools site asks the viewer to “Like us on Facebook, Twitter or Instagram @HCPSMHZone.”³⁹² In the area of digital literacy, numerous resources are already available to Harford County Public Schools. For example, Common Sense Education, a division of Common Sense Media, reports that “70% of U.S. schools use

³⁸⁴ HCPS 00046480.

³⁸⁵ Philippe-Auguste, D. (2025). Harford County Public Schools to utilize AI weapons detection system in schools across the area. WMAR 2 News Baltimore. <https://www.wmar2news.com/local/harford-county-public-schools-to-utilize-ai-weapons-detection-system-in-schools-across-the-area>.

³⁸⁶ Report of Plaintiffs’ Expert Sharon Hoover, Board of Education Harford County (May 18, 2025), at ¶ 63-80.

³⁸⁷ Report of Plaintiffs’ Expert Sharon Hoover, Board of Education Harford County (May 18, 2025), at ¶ 66.

³⁸⁸ HCPS_00122261.

³⁸⁹ Report of Plaintiffs’ Expert Sharon Hoover, Board of Education Harford County (May 18, 2025), at ¶¶ 68-70.

³⁹⁰ Harford County Public Schools. (n.d.) Health Education. Harford County Public Schools. <https://www.hcps.org/departments/curriculum/health.aspx>.

³⁹¹ Harford County Public Schools. (n.d.) Health Education. Harford County Public Schools. <https://www.hcps.org/departments/curriculum/health.aspx>.

³⁹² Harford County Public Schools. (n.d.) Mental Health Zone. Harford County Public Schools. <https://www.hcps.org/students/MentalHealthZone.aspx>.

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our Digital Citizenship Curriculum to prepare their students to think critically and act responsibly – both online and in life.”³⁹³ Common Sense Education provides free, high quality, research based materials to school systems and educators. Additionally, the Maryland State Department has digital learning standards that each school system is required to adopt and teach.³⁹⁴ Another resource that has been available for years are the standards from the International Society for Technology in Education (ISTE). They are a free resource used across the nation and around the world to help students become digital citizens who are literate users of the digital world. Areas of focus for students include: “Digital Footprint, Online Interactions, Safeguard Well-being, Digital Privacy, Knowledge Constructor.”³⁹⁵

267. Dr. Hoover’s report provides a brief description of Harford’s Crisis Response and Safety staffing and approach. Of note in this section, Dr. Hoover wrote that the school system “does not have the resources for specialized behavioral crisis teams or de-escalation personnel beyond the SROs.”³⁹⁶ However, the policy statement for the Harford County Public Schools Policy entitled Student Behavior Interventions states, “Statement of Policy A. The board is committed to ensuring all schools will have a safe, healthy, and inviting climate where desired learning and development can occur. It is the responsibility of the school staff to proactively promote student learning and well-being with a high-quality educational environment. Accordingly, 1. All schools are expected to use an array of positive behavior interventions, de-escalation strategies, preventative practices, and supports to increase or decrease targeted student behaviors accordingly.”³⁹⁷ This policy calls for Harford County Public Schools staff to “promote student learning and well-being with a high-quality educational environment,” rather than a mandated mental health treatment system.

5. Dr. Hoover’s Proposed Recommendations and Mental Health Plan Does Not Make Sense for Harford County Public Schools

268. Central to the bureaucracy Dr. Hoover proposes in her report is a 15-year implementation plan for a multi-tiered system of supports (MTSS). She recommended implementation of “Staff Professional Development Plan[s] for “Social Media Policies and Practices,” “Digital Literacy,” “Life Skills Programming,” “Mental Health Literacy,” “Anti-Cyberbullying Programming,” and “Family Engagement and Education Workshops on Social Media Use” all be enhanced and extended in the school system over the course of 15 years.³⁹⁸ Throughout her report, Dr. Hoover acknowledges that activities and efforts of this type are currently occurring in HCPS, but she advocated more time be spent on the efforts and more mental health professionals be hired to do the work. No meaningful evidence is provided that Harford’s efforts to support student well-being are failing or such a significant response to social media use by students is actually needed. In fact, the Harford County Public Schools record related to social media topics of any kind is minimal. And Dr. Hoover fails to provide any compelling

³⁹³ Common Sense Media. (n.d.). Digital Literacy and Citizenship. Common Sense Media. <https://www.commonsensemedia.org/what-we-stand-for/digital-literacy-and-citizenship>.

³⁹⁴ Maryland State Department of Education Staff. (2016). Maryland Technology Education Standards. Maryland State Department of Education. <https://marylandpublicschools.org/programs/Documents/CTE/TE/MDTechEducationStandards.pdf>.

³⁹⁵ International Society for Technology in Education Staff. (2024). ISTE Standards. International Society for Technology in Education. <https://iste.org/standards>.

³⁹⁶ Report of Plaintiffs’ Expert Sharon Hoover, Board of Education Harford County (May 18, 2025), at ¶ 41.

³⁹⁷ Harford County Public Schools. (2024). Policy Title: Student Behavior Interventions – Use of Physical Restraint and Exclusion. Harford County Public Schools. <https://www.hcps.org/webfiles/WebFilesHandler.ashx?id=6350>.

³⁹⁸ Report of Plaintiffs’ Expert Sharon Hoover, Board of Education Harford County (May 18, 2025), at ¶¶ 122-150.

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data or evidence that a need exists, let alone such a massive, costly effort over such a long period of time.

269. Other recommendations in the report that should be noted are Dr. Hoover's advocacy around the development and implementation of a data infrastructure system and creation of a program evaluation methodology. The report includes a detailed description of the HCPS data system currently in place that serves Harford's current a multi-tiered system of supports. Dr. Hoover acknowledges that HCPS tracks students receiving tier 1 services and also "maintains an electronic data system to identify and track the number of students receiving Tier 2 and Tier 3 services," which "enables the district to assess service utilization and supports planning for staffing and resource allocation across schools."³⁹⁹ But she then advocated building a larger and more extensive system. She also recommends creating a program evaluation methodology without explaining the benefits or limitations of such a system. Little can be gleaned or used from this recommendation because of the lack of specifics provided. In my experience, too often such systems are created in educational organizations in order prove the need for the bureaucracy that has been created rather than the effectiveness of the program.

270. Dr. Hoover concludes her report with this statement: "Social media's design and use among students contributes to tangible and widespread challenges to Harford County Public Schools, its schools, the school environment, and student mental health and learning. These impacts are real and observable, and they place a significant burden on Harford County Public Schools. A 15-year district-led strategic plan to implement comprehensive school mental health efforts is critical to prevent and mitigate these harms and promote safe, supportive learning environments in Harford County Public Schools."⁴⁰⁰ While Dr. Hoover makes a variety of claims in this statement, she does not provide evidence or data to support the claims. In her expert report, Dr. Hoover spends a significant amount of the document building out a vast, costly bureaucracy focused on therapy work that is specific to mental health professionals, the need for which is not supported.

271. Further, much of what Dr. Hoover recommends is already in place in Harford County Public Schools, and, as she notes:

Harford County Public Schools has implemented school mental health services and supports across 76–100% of schools at all three tiers of intervention. Tier 1 (mental health promotion) includes universal strategies such as social-emotional learning, positive behavior support, and mental health literacy. Tier 2 (selective services) targets students identified as at risk or experiencing mild to moderate mental health concerns, while Tier 3 (indicated services) provides individualized support for students with significant mental health needs.

- The district delivers tiered services for a wide range of mental health concerns, including:
- Anxiety, depression/suicidal ideation, and attention/hyperactivity
- Trauma, PTSD, and exposure to violence
- Grief/loss

³⁹⁹ Report of Plaintiffs' Expert Sharon Hoover, Board of Education Harford County (May 18, 2025), at ¶ 47.

⁴⁰⁰ Report of Plaintiffs' Expert Sharon Hoover, Board of Education Harford County (May 18, 2025), at ¶ 184.

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- Disordered eating
- Substance use
- Oppositional/conduct problems
- Psychosis
- Bullying and healthy relationship development
- Character education and social-emotional skills building

272. For each of these areas, services are available at the promotion (of student wellbeing), prevention (of mental health issues), and intervention levels. Additionally, the district provides referrals to community providers when needs cannot be met within the school setting.”⁴⁰¹

273. More importantly, the actions Dr. Hoover proposes are not specific to social media, and if taken, the implementation of the actions will likely give the school buildings and classrooms a therapeutic and mental health focus rather than a learning focus. While student well-being is an important area of work for a school system, supporting student learning and development as they move toward adulthood is the core purpose of schools. When 86% of the students self-identify as not struggling with issues of mental health,⁴⁰² spending millions of dollars and more importantly, changing the focus of the school building and classroom is a big step in the wrong direction.

274. The Harford County Board of Education and leadership would be wise to redouble their efforts to attend to the vision of the Harford County Public School System, “We will inspire and prepare each student to achieve success in college and career.”⁴⁰³

Section IX. Conclusion

275. In this report, I first describe the processes typical public school systems in the U.S. follow when developing policies, procedures, budgets, and so forth, including the ways they typically work to address challenges through these systems. I next explain how school systems in the U.S. are currently facing various challenges, not least the aftermath of COVID-19, which have required schools to devote unprecedented attention to supporting students and communities. My report then explains that social media has regularly been leveraged in school systems to support student learning and connection between schools, students, families, and the broader community. My analysis of Harford County Public Schools’ documents reveals very little discussion of social media and minimal evidence that social media has caused the kinds of challenges or increased spending the school system claims; to the contrary, I identified some evidence that the school system viewed social media as a potentially positive tool. Finally, I respond to the claims of Plaintiffs’ experts Dr. Brian Osborne and Dr. Sharon Hoover and explain why their claims as to the effects of social media on schools (including on Harford County Public Schools) are unfounded and incorrect.

⁴⁰¹ Report of Plaintiffs’ Expert Sharon Hoover, Board of Education Harford County (May 18, 2025), at ¶ 47.

⁴⁰² HCPS 00046480.

⁴⁰³ Harford County Public Schools. (n.d.) Student Education Planning Guide. Harford County Public Schools. <https://www.hcps.org/SEPG/>.

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276. I reserve the right to update or supplement this report should additional data or information relevant to its contents become available.

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Certification

The undersigned hereby certifies their understanding that they owe a primary and overriding duty of candor and professional integrity to help the Court on matters within their expertise and in all submissions to, or testimony before, the Court. The undersigned further certifies that their report and opinions are not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

11/11/2025
Dated


Dr. Jack Smith